

Exhibit B

FIREMAN'S FUND INSURANCE COMPANY)
 vs.)
 FIRE SYSTEMS, INC.; Civil Action No.
 FIRE SUPPRESSION SYSTEMS OF NEW ENGLAND, INC.; 04-11578 PBS
 PRO CON, INC.)
 and)
 PAQUETTE ELECTRIC COMPANY, INC.)

DEPOSITION OF JACINTO M. MEDEIROS
 Friday, November 18, 2005, 10:30 a.m.
 Morrison Mahoney LLP
 10 North Main Street
 Fall River, Massachusetts 02722

DUNN & GOUDREAU COURT REPORTING SERVICE, INC.
 One State Street, Suite 1150
 Boston, Massachusetts 02109
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 Appearing on behalf of Fireman's Fund Insurance Company

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 Appearing on behalf of Fire Systems, Inc.

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 Appearing on behalf of Fire Suppression Systems of New England, Inc. and the deponent

Law Offices of Jacqueline L. Allen
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 Appearing on behalf of Paquette Electric Company, Inc.

Also present:

Thomas Klem

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- 4
- 1 MR. LOFTUS: Read and sign?
 2 MS. SEDNEY: Read and sign is fine.
 3 MR. LOFTUS: Okay. Usual
 4 stipulations?
 5 MS. SEDNEY: Fine.
 6 JACINTO M. MEDEIROS, after having been
 7 satisfactorily identified by the production of a
 8 Rhode Island driver's license and having been
 9 duly sworn by the Notary Public, was examined
 10 and testified as follows:
 11 EXAMINATION BY MR. LOFTUS:
 12 Q. Good morning, Mr. Medeiros. My name is Erik
 13 Loftus. I represent the Fireman's Fund Insurance
 14 Company.
 15 Could we start off with your date of
 16 birth?
 17 A. February 24th, 1966.
 18 Q. Mr. Medeiros, are you aware of why you're here
 19 this morning?
 20 A. Something about a sprinkler freeze-up in the
 21 Marriott.
 22 Q. Do you recall specifically this incident?
 23 A. Yes.
 24 Q. Okay. Have you ever had your deposition taken

1 before?

2 A No, I have not.

3 Q Okay. A couple of ground rules to make things go
a little bit more smoothly. If you don't
understand a question of mine, please ask me to
rephrase it --

7 A Uh-huh.

8 Q -- or repeat it. If you answer, I'm going to
assume you understood the question.

10 As you can see, a court reporter is
taking down everything that's being said here
today. So if you could wait until I complete my
questions before you start to answer so there's
no overlapping conversation. And also, if you
can make all your responses verbal.

16 Where is your current home address?

17 A 29 Pulaski Road in West Gloucester. That's Rhode
Island.

19 Q And how long have you been at that address?

20 A Ten years now.

21 Q And prior to that, where did you live?

22 A 12 Sumner Avenue in Central Falls.

23 Q Is that in Rhode Island as well?

24 A Yes.

1 Q How long were you at that address?

2 A Thirty years.

3 Q Are you currently married?

4 A Yes, I am.

5 Q And how long have you been married?

6 A Nineteen years.

7 Q What's the highest level of education you've
completed?

9 A Central Falls High School.

10 Q And did you graduate?

11 A Yes, I did.

12 Q What year?

13 A '85.

14 Q Where are you currently employed?

15 A At the time of schooling or --

16 Q No. Right now.

17 A Right now, Fire Suppression Systems of New
England.

19 Q And how long have you been with Fire Suppression
Systems?

21 A I want to say 12 years now.

22 Q And prior to Fire Suppression Systems, where did
you work?

24 A I worked for Arrow Plumbing & Heating in fire

7

1 protection. They were out of Smith Street in
Providence.

3 Q And how long were you with Arrow Plumbing &
Heating?

5 A Seven years.

6 Q What was your position with Arrow?

7 A Fire protection, sprinkler.

8 Q Is that the position you started off there?

9 A I started off as a plumber first.

10 Q And why did you leave Arrow Plumbing & Heating?

11 A Chapter 11. He went bankrupt.

12 Q Okay. Was there any gap between when you left
Arrow and when you started with Fire Suppression
Systems?

15 A Probably, I'd say, about seven months.

16 Q And what did you do during that time period?

17 A Put in rugs, laid carpet, installed carpet.

18 Q Okay. And what position were you hired as at
Fire Suppression Systems?

20 A Sprinkler, fire protection.

Q And is that still your status?

22 A Yes, it is.

23 Q And what are your general responsibilities?

24 A Foreman -- actually, just putting up pipe.

8

1 Contract work; installing sprinkler.

2 Q I think I heard you mention that you were a
foreman?

4 A Yes.

5 Q Did you start off as a foreman?

6 A No, I did not. I worked my way up to it.

7 Q Okay. When did you become a foreman with Fire
Suppression Systems?

9 A I want to say probably like two years.

10 Q Two years into it?

11 A Two years into it, yes.

12 Q So you've been a foreman about ten years or so?

13 A Somewhere around there, yes.

14 Q Okay. And do you currently hold any professional
licenses?

16 A Yes. My Rhode Island license.

17 Q What type of license is that?

18 A Sprinkler fitters.

19 Q Sprinkler fitter?

20 A Yes.

21 Q Do you hold any Massachusetts licenses?

22 A Do not. Not right now. Nope.

23 Q Are you required in Massachusetts to have a
license to do work?

1 A Yes, I am. Yes.

2 Q Have you ever had a Massachusetts license?

3 A No, I didn't.

Q And how long have you held this Rhode Island
5 sprinkler fitter license?

6 A Maybe about 16 years.

7 Q And how often does that need to be renewed?

8 A Every year.

9 Q What is the renewal process?

10 A Basically sending in a picture and paying the \$40
11 fee for the license.

12 Q Does it require any classroom time?

13 A No, it does not.

14 Q Has that license with Rhode Island ever been
15 suspended?

16 A No, it has not.

17 Q Is it currently in good standing?

18 A Yes, it is.

19 Q Have you ever held a license in any other state?

20 A No. Nope.

21 Q Have you ever applied for a license in another
22 state?

23 A Yes. In Massachusetts, yes.

24 Q And when did you apply for a license in

1 Massachusetts?

2 A About three months ago.

3 Q And have you received any response?

4 A No, not yet. Waiting on a response.

5 Q What prompted you to apply for a Massachusetts
6 license?

7 A I needed to get my license. Just step up. You
8 know, the company is requiring everybody to get
9 their licenses who haven't gotten their license,
10 so I applied.

11 Q Okay. During your tenure with Fire Suppression
12 Systems, have you ever been reprimanded or
13 suspended by your supervisors?

14 A No. No, I have not.

15 Q And currently, who is your direct supervisor?

16 A My direct supervisor right now is
17 Thomas O'Connor.

18 Q And what is his position?

19 A He's the president of the company.

20 Q Do you have any plans to leave Fire Suppression
21 Systems?

22 A Oh, no, sir. No.

23 Q Have you ever put in your notice to Fire
24 Suppression Systems and then recalled it?

11

12

1 A I've done that, yes.

2 Q And for what reasons?

3 A Tired of putting up sprinkler pipe, trying to
4 move on, do the designing part. That's about it.
5 Just move -- trying to move up into the office as
6 far as designing and stuff like that. I'd like
7 to get into that, the field of it.

8 Q And do you recall the installation work that you
9 did at the Residence Inn?

10 A Installed sprinkler, fire protection on each
11 floor.

12 Q How were you assigned to the job at the Residence
13 Inn?

14 MS. SEDNEY: Objection.

15 A Assigned?

16 Q Were you brought in from the beginning of the
17 project?

18 A Yes. I was brought in from the beginning of the
19 project. Correct.

20 Q All right. When did your work start?

A That's probably just towards the end of the fall.
22 What dates, years, I have no idea.

23 Q Was it as early as 2001?

24 A If you want to say it's 2001. I'm not very good
with dates.

2 Q Okay. And approximately how long did your work
3 last with the Residence Inn?

4 A I want to say probably like six months to seven
5 months.

6 Q And was that your only job during that time
7 period?

8 A No. I had a couple of other jobs in Rhode
9 Island. I had two or three different jobs in
10 Rhode Island that I was doing at the same time.

11 Q Okay. Would someone -- strike that.
12 When you were on these other jobs in
13 Rhode Island, would someone else be filling in
14 for you at the Residence Inn?

15 A Yeah. They'd get a guy that would just fill in
16 for a couple of days, and I would go back.

17 Q Okay. What was the purpose of them taking you
18 off that job to stick you in Rhode Island and
19 then bring you back?

20 MS. SEDNEY: Objection.

21 A Not enough guys to fill the jobs in at the time.
22 Not enough people.

23 Q And do you recall what was the scope of Fire
24 Suppression Systems' work at the Residence Inn?

1 A. Excuse me. Can you --

2 Q. What was Fire Suppression Systems contracted to
3 do at the Residence Inn?

MS. SEDNEY: Objection.

5 Q. To the best of your knowledge.

6 A. Install the sprinkler pipe, put fire protection
7 in the building.

8 Q. And then when you say fire protection, are you
9 referring only to the suppression system?

10 A. No. I'm talking with the -- what -- what do you
11 mean by suppression system?

12 Q. Well, --

13 A. There's many different --

14 Q. -- your company didn't install the alarm system,
15 did it?

16 A. No, no. No alarm system. We didn't install it.

17 Q. So beyond sprinklers and sprinkler piping, what
18 did your company install?

19 MS. SEDNEY: Objection. Erik, he's
20 not here on behalf of the company. He's only
21 here on behalf of himself. So he's really
22 not -- I'm not producing him as someone to
23 testify on behalf of the company. You can ask
24 him what he did, but I'm going to object to all

15

1 me?

2 A. It's two hours -- you leave it on for two hours
3 at 200 pounds each floor. The fire chief would
4 come in and inspect it, come back in two hours.
5 He'd inspect the gauge, if it was at 200 pounds
6 on each floor. He would come in two hours later
7 and inspect it, make sure everything was fine.

8 Q. 200 pounds is the water pressure?

9 A. Water pressure in the system.

10 Q. Did you participate in that final testing at all?

11 A. No, I did not.

12 Q. Were you on site during that final testing?

13 A. No, I wasn't.

14 Q. Did the final testing involve opening up the dry
15 pipe system?

16 MS. SEDNEY: Objection.

17 A. I wouldn't know. I -- I wasn't there for that
18 final inspection.

19 Q. During the course of your work at the Residence
20 Inn, did you encounter any problems?

21 A. Any problems? The inspector's test for the dry
22 system upstairs. That was about it. We had to
23 reroute it into the maintenance department on the
24 third floor.

1 the questions about what did the company do,
2 because he's not here as a company spokesman.

3 MR. LOFTUS: Right. But I'm just
4 trying to get what his understanding is of the
5 job he was there to do.

6 MS. SEDNEY: That's -- that's fine.

7 Q. Did you have a certain crew when you were there
8 at the Residence Inn?

9 A. Yeah. Like one, two guys. Not many.

10 Q. Do you recall their names?

11 A. At this time, no.

12 Q. Who was your supervisor at the Residence Inn job?

13 A. The supervisor was Charlie Higgins.

14 Q. And how often did he inspect your work?

15 MS. SEDNEY: Objection.

16 A. I want to say he came in probably two or three
17 weeks -- probably about three weeks. He'd come
18 in every once in a while.

19 Q. Upon the completion of your work at the Residence
20 Inn, who inspected your work, the totality of it?

21 MS. SEDNEY: Objection.

22 A. The whole -- the inspection was made by the fire
23 department, a 200-pound test on the systems.

24 Q. Okay. Could you explain that 200-pound test to

16

1 Q. So you're saying there was a problem with the dry
2 pipe test station?

3 A. Yes. Couldn't run it down where they wanted to,
4 because there was just no access to getting to
5 it, to get it down to the next level. So we put
6 that in the maintenance department on the third
7 floor, the inspector's test.

8 Q. Typically, where is a test station installed in a
9 building?

10 MS. SEDNEY: Objection.

11 A. Again, in the maintenance department test
12 connection.

13 Q. I'm sorry. Could you repeat that?

14 MS. SEDNEY: Objection.

15 A. In the maintenance department, the test -- the
16 test connection in maintenance.

17 Q. Did you encounter any defective materials while
18 doing your installation work at the Residence
19 Inn?

20 MS. SEDNEY: Objection.

21 A. Nope.

22 Q. Beyond having to reroute this dry pipe test
23 station to the maintenance department, did you
24 encounter any other problems?

<p>1 A. No, I did not.</p> <p>2 Q. Who was responsible for the wiring of the system?</p> <p>3 MS. SEDNEY: Objection.</p> <p>4 A. The electricians that were on the job.</p> <p>5 Q. And do you recall when during the course of your work the electricians came in and did the wiring?</p> <p>6 MS. SEDNEY: Objection.</p> <p>7 A. They were there at the same time, but I had finished my work and moved on. They had still to wire the system and stuff like that in there.</p> <p>8 Q. So the entire system could be installed before the wiring took place?</p> <p>9 MS. SEDNEY: Objection.</p> <p>10 A. Yes, it could.</p> <p>11 Q. Did you follow any plans or designs during the installation work?</p> <p>12 A. Yes, I did.</p> <p>13 Q. And who drafted the plans, if you recall?</p> <p>14 A. I don't know at this time.</p> <p>15 Q. Do you recall if there were any deviations from the plans?</p> <p>16 A. No, I don't recall. Nope.</p> <p>17 Q. Was the installation of that test station in the maintenance department on the third floor a</p>	<p>1 deviation from the plan?</p> <p>2 A. Yes, that was. That was the only one.</p> <p>3 MR. LOFTUS: Off the record for a minute.</p> <p>4 (Off the record.)</p> <p>5 MR. LOFTUS: Back on the record.</p> <p>6 Q. Mr. Medeiros, I'm going to show you what's been marked previously as Exhibit Higgins 2 dated August 30th, 2005.</p> <p>7 MS. SEDNEY: Do you want to have him look at them?</p> <p>8 MR. LOFTUS: Please.</p> <p>9 Q. Have you ever seen these documents or copies of these documents before?</p> <p>10 A. These here?</p> <p>11 Q. Yes.</p> <p>12 A. Yes, I have.</p> <p>13 Q. In what capacity did you see those documents?</p> <p>14 A. Excuse me?</p> <p>15 Q. What were the circumstances in which you would have seen these documents?</p> <p>16 A. When I go for the test, these are the documents that we fill out for the 200-pound test.</p> <p>17 Q. Okay. Did you have any input into filling these</p>
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20

<p>1 documents out?</p> <p>2 A. Input as the -- the lettering and stuff on the -- on the paperwork itself?</p> <p>3 Q. Or the information that's contained in there.</p> <p>4 A. No, I didn't have any. No. That comes already filled out from Fire Suppression.</p> <p>5 Q. These forms are filled out prior to the test?</p> <p>6 A. Correct. Yes. They're filled out. And then they're given to me, and then I give them to the sprinkler contractor and the foreman that's on the job.</p> <p>7 There's usually three copies of these made out, and everyone gets one at the time of the signing. Fire Suppression does, the contractor does, and there's one more to the fire chief. He gets these.</p> <p>8 Q. And the contractor in this case would have been --</p> <p>9 A. Pro Con. I want to say Pro Con.</p> <p>10 Q. Are you saying that these documents were -- just to be clear, they were filled out prior to the 200-pound test?</p> <p>11 A. Yes, they were.</p> <p>12 MS. SEDNEY: Objection.</p>	<p>1 Q. And then is the 200-pound test conducted in conformity with these documents?</p> <p>2 MS. SEDNEY: Objection.</p> <p>3 A. Yes. The 200 pounds is done with this.</p> <p>4 Q. And what happens if the testing doesn't comply to the contents of these documents?</p> <p>5 A. The testing itself?</p> <p>6 MS. SEDNEY: Objection.</p> <p>7 A. We've got to go back and fix it the correct way.</p> <p>8 Q. Do you recall if the testing in this case conformed to the contents of these documents?</p> <p>9 MS. SEDNEY: Objection.</p> <p>10 A. What do you mean by that there?</p> <p>11 Q. Did you have to go back and fix anything after the test?</p> <p>12 A. No. Nope.</p> <p>13 Q. Let's go back to the test station for the dry pipe system. Typically, where is the test station for the dry pipe station installed?</p> <p>14 A. In the maintenance department on the third floor.</p> <p>15 In the maintenance room.</p> <p>16 Q. Well, I'm saying typically in all buildings that you would install dry pipe systems.</p> <p>17 MS. SEDNEY: Objection.</p>
--	---

1 A. Well, it would usually be on the end of the
2 building.
3 Q. So on the end of the dry pipe system?
A. Correct.
5 Q. Now, in this case, was that third-floor
6 maintenance room the end of the system?
7 A. Yes, it was. On one end. Because what happened
8 is it would branch off into many different areas,
9 so that would be taken on the end of the line.
10 Q. Are you saying there were multiple ends, end
11 points?
12 A. Yes, there was. Up in the attic.
13 Q. How many drains were there for the dry pipe
14 system?
15 MS. SEDNEY: Objection.
16 A. Just one.
17 Q. Is that test station also where the inspector
18 valve would be located?
19 A. Yes, it would. Yep.
20 Q. Do you recall if there were any problems with the
21 sprinkler system at the Residence Inn between the
22 time you completed your installation work and the
23 time that this freeze-up occurred?
24 MS. SEDNEY: Objection.

1 A. Not that I remember.
2 MS. SEDNEY: Lack of foundation.
3 Q. Were you ever called into the Residence Inn prior
4 to the freeze-up to repair a butterfly valve or
5 replace a butterfly valve?
6 A. No, I was not. Nope.
7 Q. Are you aware that Fire Suppression Systems was
8 called in to replace a butterfly valve?
9 A. No, I do not.
10 Q. And are you familiar with the freeze-up that
11 occurred in the Residence Inn?
12 A. Uh-huh. Yes, I am familiar with it.
13 Q. I'm going to show you what's been previously
14 marked as Exhibit Higgins 3 dated August 30th,
15 2005 and ask you if you've ever seen those
16 documents before.
17 MS. SEDNEY: Your question is whether
18 he's ever seen them before?
19 MR. LOFTUS: Yes.
20 A. I seen them yesterday. That was the only time
21 that I've ever saw these before in this pile.
22 Q. Were any of these handwritten documents filled
23 out by you?
24 A. No, they were not.

23

24

1 Q. Were you assigned to partake in the repair work
2 to the Residence Inn?
3 A. Yes, I was.
4 Q. And when were you alerted to this freeze-up?
5 A. Actually, that first thing that morning. I guess
6 it happened overnight, from what I was aware of.
7 Q. Okay. And do you recall how you were alerted?
8 A. They had called me first thing on my -- my phone,
9 my walkie-talkie, said I had to report there
10 because there was a freeze-up last night.
11 Q. Okay. And what did you do after receiving that
12 call?
13 A. Headed up to the Marriott and proceeded to, you
14 know, fix the broken pipe in the attic.
15 Q. Okay. That's kind of a brief synopsis of what
16 you did. Let's go through it step-by-step.
17 When you first arrived to the Residence
18 Inn, what did you do?
19 A. Went upstairs, saw Thomas, talked to him, and he
20 said we had to get the system back on-line. I
proceeded to get my tools, went upstairs. We
ordered some material for the pipe, the pipe that
was broken, and put it all back together.
24 Q. Okay. What did you see when you first went into

1 the attic area?
2 A. Disaster. Water pipe damage on third floor and
3 the broken pipe up on top.
4 Q. Okay. And was the pipe broken in multiple
5 locations?
6 A. Just that one. I think it was a
7 one-inch-and-a-quarter by one, the elbow right at
8 the end of the line.
9 Q. So where the pipe burst or froze and cracked was
10 at the end of a line?
11 A. I believe it was. So -- yes, it was.
12 Q. And did you see any ice protruding from the pipes
13 at that point?
14 A. No. At that point, I did not. No.
15 Q. Had the water been turned off by the time you got
16 there?
17 A. Yes, it was.
18 Q. Had the system been drained?
19 A. Yes, it was drained.
20 Q. So besides a cracked pipe, did you see anything
21 else while you were up there?
22 A. No, I did not. Nope.
23 Q. Okay. And how did you go about fixing that
cracked pipe?

1 A. Ordered -- ordered the material for it and
2 proceeded to put the fittings back together.
3 Q. Did you have anyone assisting you at that time?
4 A. I had another coworker of mine, but I -- he's not
5 with us right now. I don't know -- recall his
6 name at the time.
7 Q. Do you have any knowledge of why he's no longer
8 with the company?
9 A. No, I do not. No.
10 Q. During the time that -- well, strike that.
11 How long did it take you to complete your
12 repair work?
13 A. I want to say about two hours, two to three
14 hours.
15 Q. And after that two hours to complete the repair
16 work, what did you do?
17 A. Put the system back on, put air back in the
18 system.
19 Q. And what's the process for doing that?
20 A. Make sure I get all the old points all drained
21 out, put the compressor on, make sure everything
22 is closed up, turn the compressor on.
23 Q. So is this a one-day job?
24 A. Oh, actually, it was a two-day job, because then

1 A. Installed in that area, yes.
2 Q. Would you agree that's a modification to the
3 system?
4 A. That is a modification to the system, yes.
5 Q. And where did that low-point drain drain to?
6 A. That was going into a drum drip down in the -- I
7 want to say they call where they put their
8 linen -- their -- their cloths. It was also
9 located on the third floor.
10 Q. Do you recall what your intention was when you
11 installed the low-point drain?
12 MS. SEDNEY: Objection.
13 A. Make sure we got all the water out of the system.
14 We installed low-point -- those drum drips to get
15 the rest of the remaining water that was in the
16 system.
17 Q. But if the pipe was properly pitched, wouldn't it
18 have drained out through the main drain anyways?
19 A. Yes, it would have. But sometimes you get water
20 that's still probably frozen in the pipe
somewhere.
22 Q. Turning your attention back to what's been marked
23 as -- previously marked as Higgins Exhibit 3, who
24 would have, to the best of your knowledge,

1 we found some sprinkler heads -- because of the
2 frozen pieces of pipe, we needed to replace a
3 couple of heads. I think there was six or seven
4 sprinkler heads that needed to be replaced.
5 Q. And why did those sprinkler heads need to be
6 replaced?
7 A. Because of frozen water that was in the pipe.
8 Q. So besides the area where it actually broke the
9 pipe, there were other areas which had frozen up
10 as well?
11 A. In the same vicinity, in the same area, just over
12 to the left-hand side -- to the right-hand side
13 of it.
14 Q. Did you notice any deficiencies in the pipe where
15 the freeze-up occurred?
16 MS. SEDNEY: Objection.
17 A. Nope.
18 Q. Was the pipe pitched properly?
19 A. Yes, it was.
20 Q. Did you make any modifications to the system
21 while you were there?
22 MS. SEDNEY: Objection.
23 A. No, I did not.
24 Q. Did you install a new low-point drain?

1 drafted these forms?
2 A. I have -- drafted the -- in other words, is --
3 Q. Whose handwriting is that; do you know?
4 A. I have no idea.
5 Q. Page 3, the first job work order short form, do
6 you recognize the signature at the bottom of that
7 page?
8 A. No, I do not.
9 MR. SYKES: Which page are you on?
10 MR. LOFTUS: Third page.
11 MR. SYKES: Third page.
12 Q. The fourth page is another job work order short
13 form, and under the section labeled "Mechanic,"
14 it has the initials "JM." Would that be you?
15 A. Yes.
16 Q. And next to that is "Helper," and it looks like a
17 "CR." Does that refresh your recollection as to
18 who your assistant was that day?
19 A. I want to say maybe Clint.
20 Q. Do you know Clint's last name?
21 A. No, I have no idea.
22 Q. Does the name Robinski sound familiar?
23 A. Excuse me?
24 Q. Robinski.

1 A It's something like that. Yeah, I think so.
 2 Yep.
 3 Q Okay. And you didn't fill out this form?
 4 A No, I didn't fill out this form.
 5 Q Who would have filled out this form, if you know?
 6 A I have no idea. Whoever would be back at the
 7 shop.
 8 Q This isn't filled out on site?
 9 A This here?
 10 Q Yes.
 11 A No.
 12 Q Pages 4 and 5 has billings for -- on the first
 13 one, two men at twelve hours each, and two men at
 14 eight hours each on the second one. Would you
 15 have been one of those men?
 16 A On which one?
 17 MS. SEDNEY: This one here. You want
 18 the one that has 396?
 19 MR. LOFTUS: 396 and 3866.
 20 MS. SEDNEY: And then 3866.
 21 THE WITNESS: Uh-huh.
 22 Q Now, you mentioned earlier it was only about two
 23 hours that it took you to repair the system.
 24 What was the additional time spent doing?

31

1 anyone else from Fire Suppression Systems came to
 2 the job site?
 3 A Just Thomas, Charlie was there, me, and that kid
 4 Clint was there helping me, bringing in and out
 5 of -- the pipe. That was about it.
 6 Q And, if you know, what was Tom doing there while
 7 he was there?
 8 A He was just walking around with all the Marriott
 9 people discussing things. That's what he was
 10 doing. I have --
 11 Q And how about Mr. Higgins?
 12 A He was also walking around with Thomas.
 13 Q Did you have any interaction with them?
 14 A No, I didn't.
 15 MS. SEDNEY: With Thomas or the
 16 Marriott people?
 17 MR. LOFTUS: With Mr. O'Connor and
 18 Mr. Higgins.
 19 A No, I didn't.
 20 Q Are you aware or do you have knowledge of who
 21 first responded once the freeze-up occurred from
 22 Fire Suppression Systems?
 23 A No, I do not.
 24 Q Were you on the site when a representative of

30

1 MS. SEDNEY: Objection.
 2 A I -- putting back on the system and repairing the
 3 thawed out pieces of pipe that would need to be
 4 repaired and put back, because we don't
 5 usually put the -- after the pipe has been
 6 frozen, we don't put the pipe back up. We get
 7 new pipe. We order new pipe for it.
 8 Q The entire system?
 9 A It wasn't the entire system that was frozen up.
 10 Just a couple of pieces here and there that
 11 needed to be replaced and the sprinkler heads as
 12 well.
 13 Q And when you put the system back on-line, did you
 14 do any testing to ensure its stability?
 15 A No. I was not --
 16 MS. SEDNEY: Objection.
 17 A I just put the pipe up and moved on. That was
 18 it.
 19 Q Who would have been responsible, if you know, to
 20 do that testing?
 21 A Well, the -- when I had left, Charlie was still
 22 there at the end of the day.
 23 Q During the course of your work to repair this
 24 freeze-up at the Residence Inn, do you recall if

32

1 Paquette Electric arrived?
 2 A No, I was not. Nope.
 3 Q Were you on the site when they inspected the
 4 alarm system?
 5 MS. SEDNEY: Objection.
 6 A No, I did not. Nope.
 7 Q Do you have any knowledge related to the
 8 discovered miswiring of the alarm system?
 9 MR. DOWD: Objection.
 10 A No, no.
 11 Q During the course of your work at the Residence
 12 Inn, did Fire Suppression Systems have any reason
 13 or did you personally have any reason to ever
 14 alter the wiring in the wiring system?
 15 A No, sir. Nope.
 16 Q And as you sit here today, what is your
 17 understanding of why this freeze-up occurred?
 18 MS. SEDNEY: Objection. Lack of
 19 foundation.
 20 A The freeze-up occurred -- I have no idea why it
 21 occurred.
 22 Q How often do you install dry pipe systems?
 23 A Not a lot. Probably maybe two every three years,
 24 four years.

- 1 Q. So does the bulk of your job duties revolve
2 around installing wet pipe systems?
3 A. Yes. Wet systems. Mostly wet systems.
Q. Is that because most of the jobs you get don't
5 require dry pipe systems?
6 A. Right. Doesn't require it.
7 Q. Okay. When installing a dry pipe system, how do
8 you ensure that the pipes are pitched properly?
9 A. A quarter-inch to every 10 feet, eighth of an
10 inch for line piping, 10 feet, 12 feet.
11 Q. What do you do to measure that?
12 A. We use a level. Measure -- we use a measuring
13 tape as well.
14 Q. Can proper pitch also be visually determined?
15 A. Visually, no.
16 Q. And after installation, if you find a pipe was
17 not properly pitched, what is the process for
18 remediying that?
19 A. We use a level and make sure it's pitched the
20 correct way.
21 Q. And if it's not, what do you do?
22 A. If it's not pitched the correct way, you go about
23 fixing it the right way, either cut the rods back
24 to make the proper pitch back.

- 1 Q. Okay. And do these pipes often hang from
2 hangers?
3 A. Yes, they do.
4 Q. And do those hangers allow you to adjust them to
5 ensure proper pitching?
6 A. Yes, they do. Yes.
7 Q. While you were in the attic after the freeze-up
8 occurred, did you notice any other pipes that
9 appeared to be pitched improperly?
10 MS. SEDNEY: Objection to the form.
11 A. No.
12 Q. And were you responsible for the entire
13 installation of that dry pipe system?
14 A. Yes.
15 MS. SEDNEY: Objection.
16 Q. What would be your reaction if someone were to
17 say that they found improperly pitched pipes in
18 that dry pipe system?
19 MS. SEDNEY: Objection.
20 A. I just pitched everything the correct way.
21 Q. Did anyone, to your knowledge, inspect the dry
22 pipe system to ensure proper pitching?
23 A. No, not to my knowledge. No.
24 Q. Would you have been the last person in line?

- 1 A. Yes, I would have.
2 Q. And what is the effect -- in your understanding
3 to the effect of an improper pitch?
4 A. An improper pitch?
MS. SEDNEY: Objection. Objection.
6 Q. What effect would that have on a dry pipe system
7 typically?
MS. SEDNEY: Objection.
9 A. I don't --
MS. SEDNEY: You're asking him his
11 opinion as to all dry pipe systems?
MR. LOFTUS: Yes.
MS. SEDNEY: Any problems with
14 pitches?
MR. LOFTUS: Yes.
MS. SEDNEY: Objection.
17 A. They wouldn't pitch back to the system, if you
18 had a -- you know, the pipe wouldn't pitch back
19 correctly to the system to drain out.
20 Q. So in other words, water would be trapped?
A. Would be trapped in the line. Correct.
22 Q. Just to be clear, you previously testified that
23 you did not take part in the final testing of the
24 system?

- 1 A. No, I did not.
2 Q. Did you witness the testing of the system?
3 MS. SEDNEY: The final testing?
4 MR. LOFTUS: Yes.
5 A. The final testing, no.
6 Q. Did you witness any testing to the system?
7 A. No, not testing. Just testing the floors at 200
8 pounds for the fire chief. That was all I did.
9 But not the final testing or anything like that.
10 No, I was not there.
11 Q. What was your participation in the floor-by-floor
12 test?
13 A. Just bringing it up to 200 pounds, walk around
14 with the fire chief. If he had any questions, to
15 look and see. If he needed any more coverage at
16 different spots or whatnot. Witness the gauge at
17 the 200-pounds test. That's about it.
18 Q. Where would the gauge be located?
19 A. At the end of the stairwells on the -- on each
20 floor. I want to say, looking at the front of
21 the building, the main entrance, it would be
22 located on the right-hand side.
23 Q. Okay. And what do you mean by extra coverage?
24 A. Sometimes the fire chief wants an extra head here

1 or something like that that's not according --
 2 it's his call, his say, if he thinks that we need
 3 another sprinkler head or something like that.

Q. Now, prior to your arrival after the freeze-up,
 do you have any knowledge of anyone else who may
 have been in the attic before you?

MS. SEDNEY: Objection.

A. No.

Q. Between the time you arrived and the time you
 left the repair job, was anyone besides you or
 Clint in the attic, to the best of your
 knowledge?

A. To the best of my knowledge, yes.

Q. Who?

A. Just me and Clint. That's it.

Q. Okay. Are you aware of any punch list items that
 were required to be performed after your work was
 complete?

A. Punch list? As far as putting chrome pieces on
 the -- on the heads and stuff like that. That
 was about it. It wasn't changing any sprinkler
 heads or changing any pipe. Just doing the
 finished product.

Q. And who installed the sprinkler controls?

A. Nope. I wasn't there.

Q. Was the entire system filled with ice?

A. Sections of it was. Not all the whole system,
 no.

Q. Did you actually witness ice in the system?

A. Yes. I saw ice in the pipe, the pieces I had
 took down.

(Off the record.)

Q. Mr. Medeiros, I'm going to show you a picture
 that's been previously marked as Exhibit
 Higgins 7 dated August 30th, 2005. Does that
 picture look familiar to you at all?

A. No.

Q. If someone were to tell you that's a portion of
 the dry pipe system at the Residence Inn, what
 would your response be?

A. Well, that is the pipe, yes.

Q. So it looks familiar to you now?

A. Yes, it does.

Q. Okay. And where does that pipe lead?

MS. SEDNEY: That particular pipe?

MR. LOFTUS: Yes.

A. Very good question. I have no idea. The attic
 is so big.

1 A. I installed the controls.

2 Q. And where are the controls located?

3 A. They're located in the stairwells, your flow
 4 switch, your tamper switch.

5 Q. During the course of your installation work
 6 there, are you aware if anyone from Fire
 7 Suppression Systems had a need to alter the
 8 control wiring for testing or otherwise?

9 A. Nope.

10 Q. And who wired the sprinkler controls to the alarm
 11 panels, if you know?

MS. SEDNEY: Objection.

13 A. I believe it was the electricians.

14 Q. Were there any problems encountered setting the
 15 dry valves after the installation?

MS. SEDNEY: Objection.

17 A. I wouldn't know if they had problems.

18 Q. If there were problems, who would have been aware
 19 of it?

MS. SEDNEY: Objection.

21 A. I believe Charlie Higgins would be aware of it.

22 Q. After the freeze-up, are you aware of any
 23 problems that were encountered in resetting the
 24 dry valves?

1 Q. It appears that that pipe isn't connected to
 2 anything?

3 A. Correct. Yeah. Might have been one of the
 4 freeze-ups there that we took the line apart,
 5 capped it off the other end and never got back
 6 tied -- got back -- tied back in.

7 Q. Is that standard procedure, to leave --

8 A. No.

9 Q. -- an empty pipe up there?

10 A. No, it is not. No, it is not.

11 Q. And the upper red circle, is that one of the wire
 12 hangers we were talking about --

13 A. The wire hangers.

14 Q. -- for the dry pipes?

15 A. Yeah. That's the pipe -- that's the hanger for
 16 the pipe. Correct.

17 Q. Do you recall whether this pipe was tied into the
 18 rest of the dry pipe system?

19 A. It was. It -- it had to be tied in at one time.
 20 Probably was frozen up and needed to get thawed
 21 out. Just probably didn't get re -- put back
 22 together.

23 Q. Now, you testified that you participated in the
 24 200-pound test, but you did not participate at

1 all in the wet or dry pipe system testing, final
2 testing?

3 A The final testing, nope.

4 Q Have you ever participated in the final testing
5 before?

6 A Maybe once or twice, but not many. Not many at
7 all.

8 Q Would anyone from Fire Suppression Systems
9 typically take part in these final testing --

10 MS. SEDNEY: Objection.

11 A Yeah. It would probably be the foreman, the guy
12 who was in charge at the time.

13 Q You were the foreman on this job, though?

14 A Well, I was the foreman, but there's overlook
15 people. You know, like my foreman of overlooking
16 the guys, he would probably be the final guy
17 going for the final test.

18 Q Do you recall who that was on this particular
19 job?

20 A No, I do not. I don't know his name.

21 Q What does that 200-pound test entail besides
22 looking at the gauges on each floor?

23 A Like I said, the fire chief sees something that
24 he doesn't like, he wants to add another head.

1 MR. LOFTUS: Okay. I don't have
2 anything else.

3 MR. SYKES: I'll go next.

EXAMINATION BY MR. SYKES:

5 Q Mr. Medeiros, my name is Gordon Sykes. I
6 represent Fire Systems, Inc. in this case.

7 Do you -- the license that you hold in
8 Rhode Island, is there different classifications,
9 whether it's a journeyman or --

10 A A journeyman.

11 Q And that's what your license is?

12 A Yes.

13 Q Okay. You have to work under someone's
14 contractor's license; correct?

15 A Correct.

16 Q And when you're working in Massachusetts, you're
17 working under a contractor's license that's held
18 by Fire Systems of New England --

19 A Correct.

20 Q -- Fire Suppression Systems of New England;
correct?

22 A Yes.

23 Q Okay. As far as you know, is there any
24 requirement that yourself working as a journeyman

1 That's about it. The system holding the
2 200-pound test, make sure we got no leaks, no --
3 no nothing in the area.

4 Q Besides Clint and Charlie Higgins and
5 Tom O'Connor, do you recall any other individuals
6 who were working at the Residence Inn during the
7 installation?

8 A Working as far as --

9 Q For Fire Suppression Systems.

10 A For Fire Suppression, no.

11 MS. SEDNEY: You mean the original
12 installation?

13 MR. LOFTUS: Yes.

14 A The original installation?

15 Q Yes.

16 A Just the two apprentices that I had at one time,
17 but they're no longer with the company.

18 Q Do you know why they're no longer with the
19 company?

20 A No, I have no idea. Just moved on.

21 Q And do you have any plans on moving anytime soon?

22 A Moving as in what, going --

23 Q From your present home address.

24 A No.

1 need to be licensed in Massachusetts to do work
2 in Massachusetts?

3 A Yes. I've got to be licensed.

4 Q Okay. Are you telling me that even though you
5 worked at the Marriott Inn, that you didn't have
6 a Mass. license, and that's some sort of a
7 violation?

8 MS. SEDNEY: Objection.

9 A I believe so. I have no idea.

10 Q Okay. That's one of the reasons that your
11 company wants you to get the license?

12 MS. SEDNEY: Objection.

13 A Well, yeah.

14 Q As far as you know?

15 A I need to -- as far as I know, yes.

16 Q Okay. Was there anyone working on the project
17 itself at the Residence Inn that held a Mass.
18 license?

19 A Charlie was there mostly. Well, Charlie came in
20 time to time. Charlie Higgins.

21 Q Okay. Now, he was the project supervisor;
22 correct?

23 A I believe he was, yes. I'm not sure of what he
24 was.

1 Q. You said you were there for approximately six
 2 months doing work, although not every day; correct?
 3

4 A. Not every day, no.

5 Q. All right. But you were the hands-on guy
 6 usually?

7 A. Right.

8 MS. SEDNEY: Objection.

9 A. Yes.

10 Q. Okay. Did Mr. Higgins himself partake in any of
 11 the actual installation of the --

12 A. No, he didn't.

13 Q. -- system?

14 A. No, he did not.

15 Q. Okay. His job was supervisory?

16 A. Correct.

17 Q. Okay. And can you just tell me in your own words
 18 what particular functions he performed when he
 19 was on the scene?

20 A. Make sure all the material was there, getting
 21 there on time, make sure the guys were there,
 22 what we were doing, where -- where the pipe was
 23 going, how it was going. That's all. Basically
 24 making sure the job runs smoothly.

1 one time --

2 A. Correct.

3 Q. -- usually?

4 A. Yes.

5 Q. Okay. Do you recall him ever being up in the
 6 attic --

7 A. Yes.

8 Q. -- of the Residence Inn --

9 A. Yes.

10 Q. -- to look things over?

11 A. Yes.

12 Q. At what point in the work do you recall him being
 13 up there?

14 A. As we started the middle section, towards the
 15 end, you know, he'd pop in time to time making
 16 sure everything was correct, to make sure
 17 everything was fine.

18 Q. All right. Did he ever measure anything?

19 A. To my knowledge, no.

20 Q. Okay. That would be the fellows that were
 21 putting it in like yourself?

22 A. Correct. Yes.

23 Q. And how about checking, you know, with the level
 24 for pitch and things like that?

1 Q. And were there some weeks when you were there
 2 five days a week?

3 A. Yeah, there was. Probably one or two weeks.
 4 Not -- not much.

5 Q. Okay.

6 A. You know, we bounce in and out.

7 Q. Right. Because you do so much of the job and
 8 then maybe go to some other site?

9 A. Correct. Yeah. Sometimes you had to wait, you
 10 know, for different sections of the building to
 11 get done so we can install the pipe.

12 Q. Sure. How often was Mr. Higgins there during the
 13 time that you worked there?

14 A. He was there as -- as what?

15 Q. How often would he be there in comparison to when
 16 you were there?

17 A. He'd pop in every week, two weeks. But sometimes
 18 I wouldn't go back until a week or two weeks
 19 later, and he would pop in, show up, you know,
 20 for a day. He'd be there, make sure everything
 21 was running smoothly. Then he -- he had other
 22 previous things to do, too, as well.

23 Q. It would be fair to say that he was working as
 24 the project supervisor at several locations at

1 A. As in who?

2 Q. Mr. Higgins again.

3 MS. SEDNEY: Objection.

4 A. I -- there you go, I have no idea if he would do
 5 that or -- do that. I mean --

6 Q. Well, I'm just talking -- I'm just talking about
 7 the -- during the times that you were up there
 8 working, did you ever see Mr. Higgins --

9 A. No.

10 Q. -- take a level --

11 A. No, I did not.

12 Q. -- and test anything?

13 A. No, I did not.

14 Q. Okay. You're saying he might have done it when
 15 you weren't there?

16 A. Correct.

17 Q. But I'm asking you --

18 A. Sometimes he would pop in time to time when I
 19 wasn't there, making sure, okay, hey, you're
 20 going to have to come back here tomorrow or
 21 whatever. He'd come in and check, see how the
 22 job was going.

23 Q. Now, I may have misread some of this, but my
 24 recollection and from what I'm reading in

1 Mr. Higgins' deposition is he thought that you
 2 were on the premises when the final inspection
 3 was done and signed off by Chief McNamara?

A Correct.

5 Q. That's not accurate, is it?

6 A. No, sir, it is not.

7 Q. Okay. So Mr. Higgins has testified he wasn't
 8 there. He thought it was you. You're testifying
 9 you weren't there. Do you have any knowledge as
 10 to who the representative from Fire Systems --

11 A. I have --

12 Q. -- Fire Suppression Systems was during the final
 13 testing?

14 A. No, I have no idea.

15 Q. Okay. Do you have some individuals, though, that
 16 you know typically do that for Fire Suppression
 17 Systems?

18 A. Yes, yes. They -- they have a couple of
 19 people -- they were in the middle of -- Charlie
 20 Higgins and -- he -- he was doing one, and then
 21 they were in the middle of hiring another field
 22 super at the time. And that's who I kind of
 23 dealt with. Sometimes he would come up on the
 24 job. But who his name is and who he is -- he was

1 only there a short time with Fire Suppression.

2 He moved on also at that point, so...

3 Q. Okay.

4 A. Who his name is, I have no idea. It was so long
 5 ago. He was -- you know, like I said, he was
 6 there. He moved on.

7 Q. Now, do you think then -- are you telling me that
 8 you think this was some other project supervisor
 9 that was there for the final testing then?

10 A. Yes, it was.

11 Q. And someone who is no longer --

12 A. With the --

13 Q. -- works for Fire Suppression Systems of New
 14 England?

15 A. Correct.

16 Q. Okay. But we could find out who that was?

17 A. I would assume so. I don't know.

18 Q. Okay.

19 A. I have no idea.

20 Q. Let me ask you this. This first exhibit that
 21 Mr. Loftus gave to you that was previously marked
 22 as Higgins 2, if I could ask you to look at the
 23 next to the last page.

24 MS. SEDNEY: The one with the

1 handwriting on the bottom?

MR. SYKES: I'm going to try to get
 the names there, if I can.

4 Q. On this next to the last page, there's some
 5 signatures at the bottom. And the top one is
 6 "for property owner," and it's signed by John
 7 McNamara, Chief?

8 A. Uh-huh.

9 Q. We think that's Fire Chief McNamara from
 10 Dartmouth?

11 A. Yep.

12 Q. Can you identify the signature below that?

13 A. No, I couldn't.

14 Q. And it says "for sprinkler contractor"?

15 A. No, I could not.

16 Q. Okay. The title there says "PM." That would be
 17 project manager?

18 A. Project manager, right.

19 Q. But have we established -- does anybody know if
 20 that's Charlie Higgins or not Charlie Higgins?

A. I have no idea.

22 Q. By the way, that was signed off by the chief and
 23 whoever for the sprinkler contractor on
 24 January 17, 2002. Were you there at that time?

1 A. I -- I couldn't even tell you.

2 Q. Okay. It's clearly not your signature?

3 A. No, that's not my signature. No.

4 Q. Okay. Can you tell me any of the names of the
 5 other employees of Fire Suppression Systems that
 6 you recall working on the job at the Marriott Inn
 7 other than yourself, and I think you identified
 8 Clint?

9 A. Yes. He helped me on the -- the freeze-up. That
 10 was about all.

11 Q. Okay.

12 A. The other two guys that I -- had worked on the
 13 job site, I have no idea.

14 Q. All right. There were some names that I jotted
 15 down. I'm not even sure I got them. But do you
 16 recognize the name of Chris Johnson?

17 A. He's the vice president of the company. Yes.

18 Q. How about Jeremiah O'Connor?

19 A. His job title there, I have no idea. He's --
 20 he's Jerry O'Connor's son, so they're part of the
 21 owner. What his title is, I -- this is all --
 22 understand, the -- the company's gone big, so
 23 everybody has a title there. I have no idea. I
 24 just --

1 Q. Okay.
 2 A. You know.
 3 Q. Now, what records, to your understanding, would
 Fire Suppression Systems have to identify the
 individuals who did the work at the Marriott
 Residence Inn?
 5
 6
 7 A. I have no idea at that part, --
 8 Q. Okay.
 9 A. -- what kind of records or --
 10 Q. Do you have to fill out anything at the end of
 the workday or a workweek --
 11
 12 A. No, sir.
 13 Q. -- indicating where you are?
 14 A. Nope.
 15 Q. Do you punch a clock or anything?
 16 A. No, I do not. Nope.
 17 Q. You just take an assignment?
 18 A. Put the pipe up and --
 19 Q. Okay. They tell you where to go, you do the
 work?
 20
 21 A. Tell me to be here at 7:00, it's 3:30, and that's
 it.
 22
 23 Q. How about any schedules? Are you given any
 written schedules?
 24

1 A. No, sir. Nothing.
 2 Q. Okay. Do you know who at Fire Suppression
 Systems, Inc. that may work in the office would
 have knowledge or be in charge --
 3
 4
 5 A. No.
 6 Q. -- of the documents?
 7 A. I do not. Nope.
 8 Q. Do you know any of the people that work in the
 office?
 9
 10 A. Oh, I know some of them. But if that's their
 title for the -- your records or something to
 find something out, I have no idea what they --
 11
 12
 13 Q. Who gives you your job assignments at the present
 time?
 14
 15 A. Right now?
 16 Q. Yes.
 17 A. It would be Chris Johnson.
 18 Q. Okay. And who gave you your job assignments at
 the time that you were working generally at the
 Residence Inn?
 19
 20
 21 A. It would be Charlie.
 22 Q. And does he give them to you verbally then?
 23 A. Yes.
 24

MS. SEDNEY: Objection.

1 Q. On a daily basis or --
 2 A. Correct.
 3 Q. -- or he might say to you, you're going down to
 the Marriott Residence Inn for the next week --
 4
 5 A. Yep.
 6 Q. -- and --
 7 A. Yeah.
 8 Q. Do you travel there in a company vehicle?
 9 A. Company -- at the time, no. I had my own vehicle
 at the time.
 10
 11 Q. And that would be the same for the other
 individuals that worked there then?
 12
 13 A. Correct. Yeah. They just showed up.
 14 Q. And you can't recall who you may have traveled
 with?
 15
 16 A. I traveled by myself, because I was coming out of
 Glocester. So nobody was up at that end.
 17
 18 Q. Can you recall if during the time that you were
 installing at least the dry pipe system in the
 attic of the Residence Inn, whether you worked
 with several individuals for Fire Suppression
 Systems or one other individual?
 19
 20
 21
 22 A. Just two -- the two apprentices that I had with
 me. That was it.
 23
 24

1 Q. Okay.
 2 A. I mean, of course you had the electricals that
 were in there and the duct guys that were in
 there doing their work, but that was about it.
 3
 4
 5 Q. But are these also employees of Fire
 Suppression --
 6
 7 A. No, --
 8 Q. -- Systems?
 9 A. -- they are not.
 10 Q. Okay. I'm just sticking with Fire Suppression
 Systems.
 11
 12 A. Okay.
 13 Q. You remember generally working with two
 apprentices?
 14
 15 A. Correct.
 16 Q. And they were the same ones during the time that
 you were?
 17
 18 A. During the time that I was there, correct.
 19 Q. Okay. So we should be able to find out who those
 are?
 20
 21 A. I would imagine so.
 22 Q. And we should be able to find out who was there
 for the final inspection?
 23
 24 A. Correct.

1 Q. Now, did you say -- these sheets that were part
 2 of Higgins 2 Exhibit that are entitled
 3 "Contractor's Material and Test Certificate for
 4 Above Ground Piping," did you say those were
 5 generally completed or filled out at the
 6 beginning of the job?

7 MS. SEDNEY: Objection.

8 MR. DOWD: Objection.

9 A. I -- I wouldn't know. They're usually filled out
 10 at the end of the job, not at the beginning.
 11 These -- these documents here?

12 Q. Yes.

13 A. These are mostly towards the end of the job.

14 Q. Oh, okay. All right. So --

15 A. It could have been right at the beginning of the
 16 job, but I think they're mostly written at the
 17 end of the job when the job is all complete and
 18 ready for testing.

19 Q. Let me ask you to look at the one -- I can't
 20 figure out the pages, but maybe you can. But
 21 it's the one in the middle of it. It says
 22 "entire attic dry system." Do you have that one
 23 there?

24 A. Yes.

1 Q. Okay. Now, up at the top right-hand corner, it's
 2 May 17, 2002?

3 A. Uh-huh.

4 Q. Okay. Now, do you know who completed the face
 5 part of this sheet?

6 A. I have no idea who.

7 Q. Okay. You don't recognize the writing at all?

8 A. No, I do not. No.

9 Q. All right. And down at the bottom, there's --
 10 the last block is about the dry pipe operating
 11 test, almost where your ring finger is there?

12 A. Yes, yes.

13 Q. Okay. And again, do you know who completed that
 14 form?

15 A. I have no idea.

16 Q. Do you even know if it was someone from Fire
 17 Suppression Systems?

18 A. I have no idea if it was done -- I'm sure these
 19 paperwork come from Fire Suppression, so it
 20 would have to be somebody in Fire Suppression who
 21 wrote these out.

22 Q. And is it fair to say that they're usually
 23 completed by the project manager?

24 MS. SEDNEY: Objection.

1 Q. Do you know?

2 A. At this time, I don't -- no, I have no idea if
 3 the project manager does it or somebody in the
 4 office does it.

5 Q. All right. Now, at least with respect to this --
 6 the dry pipe system, there's some testing that
 7 has to go on with respect to how long it takes
 8 the water to fill the system; correct?

9 A. Correct. Yes.

10 Q. All right. And would that be part of the final
 11 testing?

12 A. Yes. That would be part of the final testing
 13 with the fire chief and all of the guys from my
 14 understanding.

15 Q. Okay.

16 A. I'm usually not there for the final -- the final
 17 testing.

18 Q. Okay. Because you're more of an installer guy?

19 A. Correct. Yes.

20 Q. All right. And you've been to, did you say,
 21 maybe only one or two of these final inspections?

22 A. One or two wet systems. Not, you know, dry
 23 systems at all.

24 Q. Is it fair to say you've never been at a final

1 inspection of a dry system?

2 A. Basically, yes. Yes.

3 Q. Okay. You can't ever recall being at one?

4 A. No, sir.

5 Q. Okay. So when you were saying you were at one or
 6 two of the final inspections, --

7 A. That was --

8 Q. -- you were talking about wet systems?

9 A. Wet systems, yes.

10 Q. Which are primarily what you install?

11 A. Correct.

12 Q. Okay. Is it fairly rare that dry systems are
 13 installed in your experience?

14 A. Rare?

15 MS. SEDNEY: Objection. By Fire
 16 Suppression Systems?

17 Q. Well, by just your own work.

18 A. My own work?

19 Q. Yes.

20 MS. SEDNEY: Objection.

21 A. Like I said, I just work on wet systems
 22 basically. Once in a great while -- like this
 23 one came up to do a dry system. That was about
 24 it.

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1 Q. Okay. Do you know of anyone who's employed by
 2 Fire Suppression Systems who may have more
 3 experience than yourself in doing dry systems?

4 A. Oh, I'm sure there is. I don't know anybody, but
 5 I'm sure there's a couple of guys in our field
 6 who know a lot -- you know, who do testing and
 7 stuff like that. I'm not sure who, but...

8 Q. What I'm getting at is if you know if there's
 9 anyone in Fire Suppression Systems who may have
 10 more expertise than yourself in doing dry systems
 11 that are typically assigned to jobs that have dry
 12 systems?

13 MS. SEDNEY: Objection.

14 Q. If you know.

15 MS. SEDNEY: Objection.

16 A. No, I do not know. No.

17 Q. Okay. Do you know how you came to be assigned to
 18 the Marriott Residence Inn?

19 A. Just go -- go there. That was about it.

20 Q. Okay.

21 A. It was a call-up and -- saying we got a job to do
 22 and --

23 Q. And when you first get to the job, are the
 24 blueprints at the job?

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1 Q. And then he did the second floor?

2 A. He came in and inspected the second floor too.

3 Q. Is that how you recall that it went, that as --

4 A. Each floor --

5 Q. -- each floor was completed, the fire chief would
 6 come down and you would call him to, what --

7 A. Witness the 200-pound test.

8 Q. And by that you mean you had him witness your
 9 filling the system with water?

10 A. Uh-huh. Water and air.

11 Q. Water and --

12 A. It's a hydrostatic pump. It's a hydrostatic pump
 13 that pumps water in there into it for 200 pounds.
 14 Q. Okay. And then you call him back after two
 15 hours? He's --

16 A. He comes back. I don't call him. He comes, --
 17 Q. Okay.

18 A. -- looks at the gauge, and he said, okay, I'll be
 19 back in two hours.

20 Q. Okay. And that signals that there's no leaks in
 21 the system; right?

22 A. Correct. Correct.

23 Q. What's the normal pressure in the wet system?

24 A. In the wet system, what you have for street

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1 A. Yes.

2 Q. You look at them at the job site?

3 A. Not the whole -- they give me one floor
 4 individual at a time.

5 Q. At a time?

6 A. Yes.

7 Q. How did you do the work, if you recall, at the
 8 Residence Inn? Did you start at the bottom and
 9 work your way up?

10 A. Correct.

11 Q. So the last part of the work was --

12 A. The dry system.

13 Q. -- the dry system in the attic?

14 A. Yes.

15 Q. Were there inspections at different times with
 16 respect to each floor by the fire chief?

17 A. As far as the 200-pounds test, that was about the
 18 only time I think he came into the building.

19 Q. But what I'm getting at is when you got the first
 20 floor done, was the fire chief called then to
 21 inspect that portion of the system?

22 A. Yes, he was.

23 Q. Okay.

24 A. Yes, he was.

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1 pressure, whatever comes in off the street,
 2 whether it be 70 pounds, 80 pounds, 90 pounds.

3 Q. Okay. So you -- you jack it up to 200 to make
 4 sure there's no leaks?

5 A. Correct.

6 Q. And then you bring it just --

7 A. Bring it back down to street pressure, whatever
 8 the pressure is.

9 Q. Okay. And how about with respect to the dry
 10 system in the attic of the building? Was that
 11 also the same thing, --

12 A. Yes.

13 Q. -- that you tested at --

14 A. Tested at 200 --

15 Q. -- pounds of pressure --

16 A. Came back --

17 (Brief interruption by the
 18 stenographer.)

19 Q. So with respect to the dry system in the attic,
 20 the same type of test is performed?

21 A. Correct.

22 Q. Okay. And that is that you fill it with water
 23 and air up to 200 pounds?

24 A. Correct.

1 Q. And the -- and the chief was there to inspect
2 that --
3 A. Yes, he was.
Q. -- while you were there?
5 A. Yes, I was.
6 Q. Okay. But then you -- you drain the dry system?
7 A. Correct.
8 Q. Okay. And then there's some final inspection
9 process wherein someone from Fire Suppression
10 Systems is present to do what we've learned is
11 called a dry valve trip test; correct?
12 A. Correct. Yeah.
13 MS. SEDNEY: Objection.
14 Q. Okay. And you understand what I mean by that
15 term, don't you?
16 A. Yes, I do.
17 Q. Okay. Someone goes to the end of the line at
18 that inspector's test valve and opens it up;
19 correct?
20 A. Uh-huh.
21 Q. Yes?
22 A. Yes.
23 Q. And then someone else times how long it takes for
24 the water to get to the end of the system?

1 A. Correct. Yes.
2 Q. Okay. And that's the test we've been calling the
3 final test; correct?
4 MS. SEDNEY: Objection.
5 A. Yes. That's the final test.
6 Q. That you weren't present at?
7 A. No, sir, I was not.
8 Q. I'm just going to have you look at this one sheet
9 which is actually the front and back of the
10 entire attic dry system just so it's not part of
11 that earlier exhibit.
12 MR. SYKES: Why don't we go ahead and
13 just have that one marked. That will be the
14 first exhibit, I guess, there today.
(Whereupon, Fire System Inc.'s
16 Exhibit 1 was marked for identification.)
17 Q. Now, I'm not even sure if it's the one you looked
18 at earlier, but there's two signatures at the
19 bottom of that on the -- on the reverse side.
20 Again, can you tell me who that final
21 signature is from the installer?
22 A. The final one down on the end here?
23 Q. Right.
24 A. I have no idea who that is.

1 Q. Okay.
2 A. Just the Fire Chief John McNamara. That's all.
3 Q. Okay. If I could just ask you to let me see
4 that.
MS. SEDNEY: Sure.
MR. SYKES: Thank you.
7 Q. It would require at least two employees -- let me
8 strike that.
It would require at least two individuals
10 to perform the final test. Would that be fair to
11 say?
12 A. I -- I believe so. I have no idea whether it be
13 two guys.
MS. SEDNEY: Objection.
15 A. Actually, sometimes they probably do it -- the
16 fire chief, I mean, he's there too. I have no
17 idea how to go about doing that final test.
18 Q. Is it even your limited understanding that
19 someone has to be in the sprinkler room to see
20 when the water starts to flow and someone has to
be at the --
22 A. I would imagine so. Yes, I guess.
MS. SEDNEY: Let him finish.
THE WITNESS: Okay.

1 Q. And some -- and some other individual has to be
2 at the inspector's test valve to see when the
3 water gets there?
4 A. I -- yes, I would imagine so. Yeah. It would be
5 two individuals or one. I -- at the finals --
6 I'm really not there for the final.
7 Q. Okay.
8 A. So I don't know how they go about, you know,
9 doing the trip test on the dry systems.
10 Q. Just in summary, you've never done a dry valve
11 trip test as part of the final inspection for any
12 dry system that you've ever installed for Fire
13 Suppression Systems?
14 A. Never. Nope.
15 Q. And you don't know really how they're even
16 performed then, do you?
17 A. No, I do not.
18 Q. Okay. Well, there goes a couple of pages of
19 questions I had for you. You're probably glad,
20 huh?
21 A. Yeah. In a way, yes.
22 Q. The installation of the sprinkler system is in
23 conjunction with the installation of the alarm
24 system, is that accurate, at the Residence Inn?

1 MS. SEDNEY: Objection.
 2 Q. If you know what I'm getting at. I -- I can
 3 help.
 A. No, I don't.
 5 Q. It's probably a bad question. During the time
 6 that you were working there, --
 7 A. Uh-huh.
 8 Q. -- was there simultaneously people from the alarm
 9 system working on that portion of the whole fire
 10 suppression system?
 11 A. Not the time that I was there, no. No.
 12 Q. Okay. So how would it usually work? Or maybe
 13 better, how did it work at the Residence Inn?
 14 Did you install so much of the sprinkler system,
 15 and then you were at some other job when the
 16 alarm people came in?
 17 A. It could have been. I'm not sure how -- if
 18 they -- I'm not even sure who wired the system.
 19 Q. Okay. If I suggested to you that it was Paquette
 20 Electric, does that ring any bells?
 21 A. They were the electrical contractor on the job.
 22 Q. Okay. And do you know if that included the alarm
 23 system?
 24 A. I have no idea if they did it, no.

1 Q. You don't?
 2 A. No.
 3 Q. Okay. So there's not a back and forth work
 4 between the installation of the sprinkler system
 5 and the installation of the fire alarm system?
 6 A. No, no.
 7 Q. Okay.
 8 A. None.
 9 Q. Have you worked on other projects where Paquette
 10 has been involved?
 11 A. Nope. I believe that was the only job that I was
 12 on with them.
 13 Q. Okay. Did you meet any of the individuals from
 14 Paquette Electric during the time that you were
 15 working at the Residence Inn?
 16 A. You see the guys time to time, but that's about
 17 it.
 18 Q. You wouldn't have any names for me or anything?
 19 A. Oh, no. Definitely not, no.
 20 Q. Let me ask you a few more questions about that
 21 placement of the inspector's test valve.
 22 I understand from your answers to
 23 Mr. Loftus's questions that it was originally
 24 according to the plans and specs or the

1 blueprints to be in some portion of the attic
 2 itself; correct?
 3 A. Correct.
 4 Q. And can you tell me in a little more detail why
 5 you couldn't put it where it was on -- on the
 6 plans?
 7 A. I couldn't -- I couldn't remember why. I know we
 8 just couldn't bring it down where they -- where
 9 they wanted to bring it down or something like
 10 that. It was something wrong with -- with one of
 11 the walls. It wasn't enough height, I believe,
 12 to bring the pipe down into it. It just wasn't
 13 accessible at that -- where they wanted it to go
 14 down at.
 15 Q. What did the original plans call for? Was it
 16 some sort of an orifice on the outside of the
 17 building?
 18 A. No. I believe it was being tied into the
 19 existing drains as they went downstairs.
 20 Q. Okay. In your experience, do dry systems usually
 21 get connected to some sort of an orifice on the
 22 outside of a building where the inspector's test
 23 valve will be placed?
 24 MS. SEDNEY: Objection.

1 A. I have no idea. That's --
 2 Q. Okay. Is that because you haven't done enough of
 3 these systems.
 4 A. Right. I -- at that time, I believe the
 5 blueprint called for tying into the drains, the
 6 existing drains, to the third, second floor, and
 7 that was it. And we couldn't put it in there at
 8 that time.
 9 Q. Okay. Now, when you say the existing drain
 10 systems, are you talking about a particular drain
 11 system you had connected to the fire suppression
 12 system?
 13 A. Yeah. The sprinklers. Your -- each drain for
 14 the inspector's test.
 15 Q. Okay. And that would be at the end of each of
 16 the wet systems?
 17 A. Correct. Yes.
 18 Q. So you have one in the -- what, the base -- or
 19 the first floor of the hotel?
 20 A. Have one on the first, second, and third.
 21 Q. And this would all then -- third would drain into
 22 the second, and second into the first, and then
 23 to what, some drain that's tied into the
 24 municipal system?

1 MS. SEDNEY: Objection.
 2 A It was actually tied outside. It was going out
 3 to a drain outside.
 4 Q And that drain outside, is it tied into the
 5 municipal system, or it's just water flows --
 6 A Water just flows. That's it.
 7 Q So when someone would go there to test part of
 8 the first, second, or third floor wet systems,
 9 there would be some drainage outside that you
 10 would observe?
 11 A Correct.
 12 Q Okay. And it's your understanding that the way
 13 you configured that dry system, that the
 14 inspector's test valve was then tied into that
 15 drain system as well?
 16 A Well, it was supposedly supposed to tie into
 17 that, but it couldn't. For some reason, we
 18 couldn't get it down into where we wanted it to
 19 go.
 20 Q Okay.
 21 A That's why it went into the maintenance
 22 department.
 23 Q Okay. All right. So you then ran the
 24 inspector's test valve into a maintenance room

1 located on the third floor?
 2 A Correct.
 3 Q Can you describe where that is in the building?
 4 A Center stairwells -- the first office in front of
 5 you, you come up the center stairwells, and it's
 6 the third floor, right on the third floor right
 7 there --
 8 Q Okay.
 9 A -- in the maintenance department. I want to say
 10 it's maintenance. That's where they keep all
 11 their tools and stuff.
 12 Q What then -- just physically, what type of
 13 equipment is visible in that room that's
 14 connected to the dry valve?
 15 A A one-inch ball valve. There's a one-inch valve
 16 up along the side of the wall. But, you know,
 17 sometimes they put things in front of it, can't
 18 really see it, accessible, you know.
 19 Q Okay. And just bear with me now. You know at
 20 least that on some regular basis, that that
 21 system has to be tested; correct?
 22 A From my understanding, yes.
 23 Q Okay. Sure. And that would be what we call a
 24 dry valve trip test?

1 A Correct.
 2 Q So at some point in time, someone's got to come
 3 in and trip that valve, and the dry system is
 4 going to get flooded with water?
 5 A Correct.
 6 Q All right. And then it's eventually going to
 7 reach that end of the system, which is now, did
 8 you say, the one-inch ball valve in the
 9 maintenance room on the third floor of the
 10 Residence Inn?
 11 A Yep.
 12 Q And when the water spurts out there, where does
 13 it go?
 14 A It goes into a drain. There's a slop sink there.
 15 Q Is it connected by a pipe or a hose?
 16 A Right. One-inch pipe.
 17 Q Okay. And what physical -- this -- this ball
 18 valve, this one-inch ball valve, that's what we
 19 would call the inspector's test valve?
 20 A Yes.
 21 Q Okay. And do you generally know what the
 22 inspector's test valve is for?
 23 A To trip the test, to trip the dry system, if --
 24 or if the system ever gets filled up, there's

1 your drain to drain the system on it.
 2 Q Okay. And how do you know what size valve to put
 3 for the inspector's test valve?
 4 A That's what it calls for on the blueprint.
 5 Q And on the blueprint, it calls for a one-inch
 6 valve?
 7 A One-inch ball valve.
 8 Q Is the valve, to your knowledge, supposed to
 9 simulate one sprinkler head going off?
 10 MS. SEDNEY: Objection.
 11 Q Do you know what I mean by that?
 12 A No, I do not.
 13 Q Okay. If one sprinkler head in the dry system
 14 goes off, --
 15 A Uh-huh.
 16 Q -- water should flood that system --
 17 A Yes.
 18 Q -- to put out the fire, right?
 19 A Correct. Yes.
 20 Q And isn't the inspector's test valve supposed to
 21 simulate the going off of one sprinkler head
 22 then?
 23 MS. SEDNEY: Objection.
 24 A It's supposed to. From my understanding, it's

- 1 supposed to, yes.
- 2 Q. Okay. And are each of the sprinkler heads then
3 part of the dry pipe system one-inch valves?
- MS. SEDNEY: Objection.
- 5 A. I have no idea. Every -- it could call for
6 different -- different-sized valves. But for
7 that job, it was -- called for a one-inch ball
8 valve.
- 9 Q. Okay. But how about each sprinkler head that's
10 connected to the dry system? Is that also a
11 one-inch water flow that goes through it?
- 12 A. Each one?
- 13 Q. Yes.
- 14 A. That would take care of all of them.
- 15 Q. Right.
- 16 A. That one inch.
- 17 Q. But each individual sprinkler head?
- 18 A. Correct.
- 19 Q. What's the size of the pipe that goes to those
20 sprinkler heads?
- 21 A. We ran inch-and-a-quarter lines, I believe,
22 upstairs.
- 23 Q. To each of the sprinkler heads of the dry system?
- 24 A. Up top, yes.

- 1 Q. In the attic?
- 2 A. In the attic, yes.
- 3 Q. Okay. So each sprinkler head, if it were
4 released, would have the flow of an
5 inch-and-a-quarter water pipe to it or pipe to it
6 which eventually fills with water?
- 7 A. Well, by the time you hit the head and it comes
8 out of the orifice of the head, it's probably
9 only a half-inch out of the sprinkler head.
- 10 Q. All right. So each sprinkler head then would
11 have the flow of water eventually to it which
12 would be one-half-inch --
- 13 A. Yeah. Half-inch.
- 14 Q. -- pipe capacity?
- 15 A. Correct. Right.
- 16 MS. SEDNEY: Objection.
- 17 Q. Okay. And that's what it is at the Residence
18 Inn?
- 19 MS. SEDNEY: Objection.
- 20 A. As far as the heads?
- 21 Q. Size.
- 22 A. The head size were -- half-inch, I believe they
23 were.
- 24 Q. Okay. And yet the inspector's test valve was one

- 1 inch?
- 2 A. Correct. Yes. It was one inch.
- 3 Q. Okay. So that would actually simulate two
4 sprinkler heads going off?
- MS. SEDNEY: Objection.
- 6 A. Going off. I would imagine so. Yes. Like I
7 said --
- 8 Q. Is that code?
- 9 A. I don't -- I believe it's code. Yes.
- MS. SEDNEY: Objection.
- 11 Q. Between the time that the final test occurred and
12 the freeze-up in January of 2003, do you recall
13 ever being back at the Residence Inn project?
- 14 A. At the end of the job until the freeze-up?
- 15 Q. Yes, sir.
- 16 A. No.
- 17 Q. Do you know what your last day on the job was?
- 18 A. As far as installing the pipe?
- 19 Q. Yeah. The last time you were there -- or let
20 me -- let me make it clearer.
- The final testing apparently occurred in
22 May of 2002. Do you know when you were last at
23 the project working on it before that final test?
- 24 A. I want to say probably a month ahead of time,

- 1 because we were ahead of the -- ahead of the --
2 you know, as far as everybody getting, you know,
3 their sections done and whatever, we were done
4 like at least a month -- a month ahead of time.
- 5 Q. Okay. And what remained to be done after you
6 left?
- MS. SEDNEY: Objection.
- 8 A. The finished plates. Really nothing else. That
9 was about it. Time -- the time we went in there,
10 each section, as the rooms got painted, we would
11 put the finish work up. That was about it.
- 12 Q. Okay.
- 13 A. And that would take just a day. Wouldn't --
14 wouldn't take that much time at all.
- 15 Q. So you think you were done about a month before
16 the final testing occurred?
- 17 A. Yes, I was.
- 18 Q. What was the status of the fire alarm system, if
19 you know, at that time?
- 20 A. Not even wired yet.
- 21 Q. Okay. So after you left, all the fire alarm
22 systems --
- 23 A. Correct.
- 24 Q. -- was performed?

1 A Yeah.

2 MS. SEDNEY: Let him finish.

3 THE WITNESS: Okay.

4 Q And then the final test occurred?

5 A Yes, it was.

6 Q Can you just generally describe for me the
7 configuration of the dry system in the attic from
8 where the water source occurred and where it --
9 where it branched off?

10 A I believe it came up in the center of the
11 building, up the -- yeah. Came in the center of
12 the building, it T'd off, and it went to the left
13 and the right of the building. I believe it was
14 four-inch main or three-inch main -- I couldn't
15 even tell you at this time --

16 Q Okay.

17 A -- that branched off.

18 Q So generally, it was just a big T?

19 A Came off, T'd, went down the sides, and then down
20 to the ends. And off of that, you had your
21 risers, which fed the sprinkler tops at the peaks
22 of the building, the uprights.

23 Q And where did you find all the water freeze-up
24 damage? Was it confined to one particular area

1 out of them. So we just went about taking the
2 system back down and replacing all the heads.

3 Q But generally, with respect to the cracks in
4 pipes, it was confined to one length of pipe?

MS. SEDNEY: Objection.

6 A Yeah. One length of pipe. Two, three. It was a
7 couple of pieces of pipe in that area that were
8 frozen up.

9 Q Okay.

10 A And for the heads to go -- for the heads to have
11 a leak, it must have been frozen at one time.

12 Q Okay. But it wasn't visible with respect to any
13 damage to the heads when you first went up there?

14 A No. No, I didn't...

15 Q Okay. But there was some cracked pipe that was
16 obvious to you?

17 A Yeah. That fitting that blew apart.

18 Q Okay.

19 A Pipe, no. It was a fitting that blew apart on
20 it.

Q What's a fitting?

22 A A fitting is an inch-and-a-half elbow where you
23 put -- it was an inch-and-a-half or
24 inch-and-a-quarter, I would say, to -- to a

1 when you went back there in January?

2 A Yeah. It was located in that -- in the freeze-up
3 area.

4 Q And can you describe where that was for me?

5 A I want to say coming up in front of the building,
6 it was on the left-hand side of the building.

7 Looking up at the front of the building,
8 if you were outside looking up, it was located --
9 it was on the left-hand side of the building in
10 the middle.

11 Q And it was -- if you just take that general T, it
12 was confined to all one side of the T then?

13 A Not all one side. Just a little section on the
14 end of the pipe on the back -- on the end side.

15 Q Okay. Did -- what -- can you describe for me
16 when you first went in there or into the attic
17 after the freeze-up, what you saw with respect to
18 cracked pipes or heads, sprinkler heads?

19 A Just a broken pipe when I was there. That's
20 about it. Until we filled up the system, put air
21 back on it. And of course, that's when we had
22 the frozen heads. You can hear them.

23 Q Okay.

24 A They needed to be replaced. The air was coming

1 half-inch where you put the sprinkler head on.
2 And that was the end of the line. And that's
3 where that blew apart.

4 Q Okay. And how big was the crack in that?

5 A I couldn't even find a fitting. I didn't even
6 see it by the time I got there.

7 Q Had the fitting been removed?

8 A Removed? It -- it -- it blew it apart. It
9 wasn't even there.

10 Q It was just completely gone?

11 A Gone. Yeah. Whether somebody picked it up or --
12 before I had gotten there or something. It could
13 have been in -- in the mess that was there. I
14 didn't see it. It was clearly gone. It was
15 gone. There was no fitting at all on it.

16 Q So when you went up there, whatever had blown
17 apart was completely taken off the system?

18 A Yeah.

MS. SEDNEY: Objection.

20 A It was gone. There was nothing there.

21 Q You just saw, what, two pipes that needed --

22 A No. It was just one piece of pipe that came out,
23 and it was the end of the line. That was it. It
24 wasn't no pipe coming together to it.

1 Q. Okay. So the freeze-up occurred right at the
2 very end --
3 A. End of the line.
Q. -- of the line?
5 A. Yes.
6 Q. Which was -- what size was the larger pipe?
7 A. Inch-and-a-quarter.
8 Q. Okay. And then there was a valve that -- on the
9 other end of the valve was the sprinkler head?
10 A. Yes. At the end of the line.
11 Q. Okay. And how far back from there did you
12 replace pipe, if -- if any?
13 A. Probably 20 feet. I want to say 20 feet of pipe.
14 Two lengths, two pieces of pipe will replace that
15 whole section.
16 Q. And that went, what, to one of -- one of the -- I
17 mean main drains -- not drains -- but one of the
18 main water sources then?
19 A. Right. Yeah. It was two pieces that came off
20 the main, and we replaced those two pieces,
21 because we knew it was frozen. It had to be
22 frozen at one time for the head to go off, so we
23 replaced those pieces.
24 Q. You didn't want to take any chances --

1 A. No.
2 Q. -- that there was anything wrong with the pipe?
3 A. No, I didn't.
4 Q. But you didn't see any actual splits in that
5 length of pipe?
6 A. No, I didn't.
7 Q. Just decided to go back to the main line and --
8 A. Take it apart and eliminate it.
9 Q. Now, let me ask you this. Did you take any steps
10 to put a level on that pipe before you replaced
11 it?
12 A. Yes. We -- we put a level to it, looked at it,
13 made sure it was level, made sure it was pitched
14 the correct way. Everything was fine.
15 Q. Okay. So --
16 A. There was nothing wrong with it, so we replaced
17 the line, put it back.
18 Q. All right. So you actually put a level on the
19 line that --
20 A. Yes, we did.
21 Q. -- resulted in the blown valve at the end of
22 that?
23 A. Yes.
24 Q. And that was about 20 feet?

1 A. Correct.
2 Q. And what did you find when you leveled it?
3 A. It was still pitched the correct way.
4 Q. And again, for 20 feet of length, how much
5 would --
6 A. It was an eighth of an inch -- eighth of an inch
7 for each piece, so you figure a quarter of an
8 inch. So it had a quarter of an inch back --
9 back to the main.
10 Q. Now, do you have some sort of a special --
11 A. Level.
12 Q. Let me get it out. Do you have some sort of a
13 special level that can tell you how much the
14 pitch is in a 10-foot section by measuring any
15 part along that section?
16 A. Well, yeah. You -- you have a level where you
17 have a bubble, and it tells you, you know, if
18 you're level or not.
19 And usually -- I usually go past it, say
20 about an eighth of an inch on the bubble, so that
21 should give me the proper pitch back.
22 And what we usually do is when we do the
23 pitch back, we cut the rods at different sizes
24 also. Say if you start with a 10-inch rod at the

1 beginning, by the end of the -- by the end of it,
2 on two pieces, you should have a 9 -- 9-inch rod,
3 8-and-a-half-inch rod. And that should give you
4 the proper pitch back to the main as well.
5 Q. All right.
6 A. Should help -- should level the pipe.
7 Q. As a totally nontechnical guy, you're going to
8 have to walk me through this a little bit.
9 A. Okay.
10 Q. Like I have a level at home which I use to make
11 sure everything is level, so you just get the
12 bubble in the middle?
13 A. Right.
14 Q. But if the bubble's off a little bit to one side
15 or the other, that doesn't tell me how far it's
16 off or how -- certainly how far it's going to be
17 off over a 10-foot length?
18 A. Well, it -- it doesn't. It -- no, it doesn't.
19 But, I mean, as far as being in the trade and
20 knowing what you're supposed to do, I mean, you
21 have a tendency to know your tools and how the
22 quarter-inch pitch and the eighth-of-an-inch
23 pitch should be, you know.
24 Q. So is there some sort of a special level, or are

1 you using like the same, --
2 A. They --
3 Q. Wait. Let me get the question out. -- or is --
5 are you using just the type of level that I've
6 been talking about where you've got two lines and
a bubble in the middle?
7 A. That's the level.
8 MS. SEDNEY: Objection.
9 A. That's the level I use.
10 Q. Okay. And now, how do you know that from the
11 beginning of that pipe to the end of the 10-foot
12 section you're pitched at least an eighth of an
13 inch?
14 A. Well, there again, you start with a 10-inch rod
15 and you've got a 9-and-a-half -- 9-inch rod
16 towards the end. You know you got your pitch.
17 Q. How do you know?
18 A. You could tell by looking at the lines and see
19 how far the bubble goes past each line on the
20 bubble.
21 Q. Is there some gauge, though, that the bubble --
22 A. No.
23 Q. -- gets off so much, and it tells you it's an
24 eighth of an inch or quarter of an inch?

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1 A. No, it doesn't.

2 Q. All right. You just know if the bubble is off a
3 little bit that you've got at least an eighth of
4 an inch?

5 A. Correct.

6 Q. Is there any possibility of confusing which way
7 you're pitching the pipes because of the
8 configuration in any particular jobs?

9 MS. SEDNEY: Objection.

10 A. No, sir.

11 Q. Okay. Was there -- specifically with the
12 Residence Inn, was it configured in such a way
3 that there may be some confusion as to where the
4 main was and where the end lines were going?

5 A. No, there was no confusion. No.

6 Q. Easy enough to see?

7 A. Yes, sir.

8 Q. Okay.

9 (Off the record.)

0 (Page 90, Lines 11 through 18, read.)

1 Q. Okay. I think I was just going to ask you this
2 final question then.

3 If I suggested to you that when some
4 inspectors went up in the attic a year after the

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1 freeze-up in December of 2004 and found lines
2 that were pitched incorrectly or not pitched at
3 all, would that surprise you?
4 MS. SEDNEY: Objection.
5 A. Would it surprise me?
6 Q. Yes, sir.
7 A. Well, yeah. Because everything was pitched the
8 correct way when I left it there.
9 Q. And was it double-checked by you --
10 A. Yes, it was.
11 Q. -- before you left the job site?
12 A. Yes.
13 Q. And would you have done all the final testing or
14 inspection to make sure it was pitched properly?
15 MS. SEDNEY: Objection.
16 A. Final testing as in what?
17 Q. As -- well, as opposed to the apprentices that
18 were working with you?
19 A. Yeah. I would -- I would look and make sure
20 everything was 100 percent, that all the pitches
21 on the pipe were correct. I would go time to
22 time and level it myself and make sure everything
23 was going back.
24 Q. Okay. Do you have any recollection of when you

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1 finally left the Marriott Residence Inn when the
2 entire dry pipe system had been installed that
3 you went through the entire attic and made sure
4 that everything was pitched properly?
5 A. When I left, correct. But there again, you still
6 had, you know, duct guys who were still up there,
7 electricians who were still up there. I mean,
8 who's to say that they didn't either, A, move a
9 line, lower a line.
10 You know, we were -- like I said, we were
11 done a month ahead of time, but there was still
12 plenty of people who were working up in that
13 attic. And, you know, the electricians were
14 there. Like I said, the duct guys were there and
15 anybody else. You know, the insulating guys were
16 there.
17 Q. So my final thought then was going to be that how
18 would you explain if in December of 2004 lines
19 were found to be either pitched improperly or not
20 pitched at all?
21 MS. SEDNEY: Objection.
22 A. It could have been some of the contractors on the
23 job.
24 MR. SYKES: All right. Thanks. Why

1 don't we just take a little break.

2 (Brief recess.)

3 BY MR. SYKES:

4 Q. Mr. Medeiros, on some documents, there's FSS
5 technicians listed. Do you know a fellow named
6 Paul Bolerino?

7 A. No, I don't.

8 Q. Is it possible that he worked with you installing
9 part of this system at the Marriott Residence Inn
10 or repairing it after the loss?

11 A. No, I don't know.

12 Q. How about William Bennett, --

13 A. Nope.

14 Q. -- also identified as an FSS technician?

15 A. No.

16 Q. Don't know the name?

17 A. No. Doesn't ring a bell.

18 Q. Can you -- is it possible that these two
19 individuals are the people that worked with you
20 either installing the system or repairing it?

21 A. No. No, not installing it, nor repairing. No.

22 Q. No. What is an FSS technician that -- you know,
23 at Fire Suppressions, what is a technician?

24 MS. SEDNEY: Objection.

1 A. I --

2 MS. SEDNEY: Asked and answered.

3 A. I wouldn't -- probably in October. I --

4 Q. All right.

5 A. You know, it's so long ago. I don't...

6 Q. Okay. And then can we fairly well establish
7 from looking at Exhibit 1 signed by Chief
8 McNamara on the back -- on the other side there,
9 January 17, '02, can we fairly well establish
10 that that was the time that the 200-pound test of
11 the dry system occurred?

12 MS. SEDNEY: Objection.

13 A. Could have. I mean, that's the dates they got
14 there, you know.

15 Q. Signed off by the chief in January of '02?

16 A. Right.

17 Q. And would that be in accordance with your
18 recollections of when the testing -- the
19 200-pound testing of the dry system occurred?

20 MS. SEDNEY: Objection.

21 A. It could have. I'm -- I'm not saying that -- you
22 know, that's the dates that were there, that's
23 the times he showed up. If the dates are there,
24 that's the times he showed up for the 200-pound

1 A. Probably working on the alarms. Technician, I
2 don't --

3 Q. How about Paul Bolerino, B-o-l-e-r-m-o?

4 A. No. No Paul.

5 Q. Do you know, --

6 A. No.

7 Q. -- is he an employee, if you know, of Fire
8 Suppression Systems?

9 A. No, not at all.

10 Q. Just so I'm clear about the time line of this
11 project, as best you can, you recalled starting
12 the work at the Marriott Residence Inn in the
13 fall of 2001?

14 MS. SEDNEY: Objection.

15 A. If that's what they marked down at the shop. I,
16 you know...

17 Q. Well, you said the fall?

18 A. Fall, yeah. It was right around the fall area.
19 It wasn't summertime. It was closer towards --
20 getting, you know, towards the cold -- colder
21 time.

22 Q. So would -- just -- would it be October,
23 November, December of 2001 then?

24 MS. SEDNEY: Objection.

1 test.

2 Q. And you were there for at least that portion of
3 the test?

4 A. Yes, I was. The 200-pound test, I was. Yes.

5 MR. SYKES: Okay. Can I see that one
6 more time?

7 MS. SEDNEY: Sure.

8 Q. And then the work was essentially completed by
9 yourself in and around April of 2002; is that
10 accurate?

11 MS. SEDNEY: Objection.

12 A. Yeah. Right around that time. Probably, you
13 know, around that time. Complete, you know.

14 Q. And then we can establish from this document that
15 the final certification of the system, the
16 testing for that occurred on May 17, 2002?

17 MS. SEDNEY: Objection.

18 MR. DOWD: Objection.

19 A. It might have been. That's what they got, the
20 dates there. I don't -- you know.

21 Q. That would all fit in with the time line, though,
22 as far as you know; right?

23 MS. SEDNEY: Objection.

24 A. Correct.

1 Q. I wanted to ask you just a couple of follow-up
 2 questions on that one-inch ball valve that goes
 3 into the third-floor maintenance room at the
 Residence Inn.

5 What size opening comes out of that
 6 one-inch ball valve?

7 A. I would say a full one inch.

8 Q. And do you know what the code is for that?

9 MS. SEDNEY: Objection.

10 A. No, I do not. No.

11 Q. Is it your understanding that the code requires
 12 the inspector's test valve to be at both the end
 13 of the system and at the highest point of the
 14 system?

15 MS. SEDNEY: Objection to form.

16 A. At the end of the system, yes.

17 Q. Okay. How about at the highest point?

18 MS. SEDNEY: Objection.

19 A. Not the highest, no.

20 Q. You don't believe the code requires that?

21 MS. SEDNEY: Objection.

22 A. Nope.

23 Q. In order to get your license as a fire protection
 24 sprinkler journeyman, did you have to take any

1 A. Uh-huh.

2 Q. Am I correct that you have no personal knowledge
 3 as to when the handwritten entries were made on
 4 this particular certificate?

5 A. Correct. No.

6 Q. Now, was Chris Johnson ever in a project manager
 7 capacity for Fire Suppression Systems?

8 A. He might have been at one time.

9 Q. And might he have been so engaged in 2002?

10 A. He might have been. I have no idea.

11 Q. Did he ever perform the duties of a field
 12 supervisor in the 2002 time frame?

13 A. Not that I know of, no.

14 Q. Could -- are you familiar with his signature?

15 A. No, not really.

16 Q. So you can't say whether the signature on
 17 Exhibit 1 for the sprinkler contractor might be
 18 Chris Johnson?

19 A. No, I don't recognize that at all.

20 Q. You just don't know one way or another?

A. No, sir. No.

22 Q. Were you ever present during any inspection or
 23 testing of the system by the control panel
 24 people?

1 A. Nope.

2 Q. Let me show you a document marked as Higgins
 3 Exhibit 8. Have you ever seen that before?

4 A. No, sir. I don't...

5 Q. Have you seen documents like this in your other
 6 jobs or functions for Fire Suppression Systems?

7 A. Nope. No.

8 Q. Are you familiar with building permits at all?

9 A. No, sir. No.

10 Q. Do you have any knowledge as to what has to take
 11 place before a fire chief will sign off on a
 12 building permit?

13 A. No, sir. No, I don't.

14 Q. Was Fire Chief McNamara present during the
 15 testing, the 200-pound testing that you engaged
 16 in at the Marriott?

17 A. Yes, he was.

18 Q. And was that on more than one occasion?

19 A. Yes.

20 Q. Did you find Chief McNamara to be thorough in his
 21 oversight of your testing?

22 A. Oh, yes. He walked around in every room, make
 23 sure everything was correct and done the right
 24 way.

1 written test?

2 A. Written test, yes.

3 Q. And you had to study the code in order to take
 4 that test?

5 A. Correct. Yes.

6 Q. I have some notes to go through. Obviously a lot
 7 of these have to do with the final inspection
 8 that I thought you were at, based on Mr. Higgins'
 9 testimony. I might have a few follow-up
 10 questions.

11 MR. SYKES: But does anyone else have
 12 any questions? It's just me then?

13 MR. DOWD: I do.

14 MR. LOFTUS: I have some additional
 15 questions as well.

16 EXAMINATION BY MR. DOWD:

17 Q. Mr. Medeiros, my name is David Dowd, and I
 18 represent Paquette Electric.

19 Let me direct your attention --

20 MR. DOWD: Can I borrow this, please?

21 MR. SYKES: Absolutely.

22 Q. -- to Exhibit 1, which is the Contractor's
 23 Material and Test Certificate for the -- I'm
 24 sorry -- for the entire attic dry system.

1 Q. Did you find him to be slipshod in his oversight
 2 of your testing?
 3 A. No, sir.
 4 Q. Approximately how much time did he spend with you
 5 during that oversight of your testing?
 6 A. He come in, witnessed the gauge, and then he
 7 would come back two hours later and then walk
 8 through thoroughly each floor.
 9 Q. Did he ever skip some aspects of the testing?
 10 A. No, sir. No, he didn't.
 11 Q. When you got to the Marriott Inn for repair
 12 operations after the freeze-up, did you ever have
 13 any conversations with anybody as to what had
 14 happened?
 15 A. I had a conversation with the -- one of the
 16 maintenance guys at the Marriott.
 17 Q. Is that a guy?
 18 A. Yes, it was.
 19 Q. What was his name?
 20 A. I have no clue. He worked for the Marriott
 21 maintenance crew.
 22 Q. What was that conversation?
 23 A. I just asked him like what had happened, and he
 24 said he -- he said he didn't know, just the pipe

1 froze. He said he had called the company, some
 2 company to come in. The alarm went off, and he
 3 called the company. Don't know the name of the
 4 company. He called the company. They came in.
 5 They shut off the alarms, but the red light was
 6 still on the panel. And then they left, and that
 7 was the end of that.
 8 Q. Was that before the freeze-up that that had
 9 happened or after the freeze-up?
 10 A. After the freeze-up.
 11 Q. Did you ever have any conversation with anybody
 12 at the Marriott about performance of the system
 13 or the panel prior to the freeze-up?
 14 A. No. No, nothing.
 15 Q. Okay. Did you ever have any conversation with
 16 anybody at the Marriott about any time where the
 17 panel might have been left in the -- in the
 18 trouble mode?
 19 A. Any --
 20 Q. Where the control panel had been left in the
 21 trouble mode?
 22 A. Yes. The panel was left in the -- well, trouble,
 23 the red light -- when there's red light in the
 24 panel, that means there's trouble in the system

1 somewhere.
 2 Q. So at some point in time, the system was left in
 3 the trouble mode?
 4 A. Correct.
 5 Q. And was that before you were present to help in
 6 the repair operations after the freeze-up?
 7 A. That was after the -- you know, that was
 8 afterwards.
 9 Q. Do you know if it was ever left in the trouble
 10 mode before the freeze-up?
 11 A. Before the freeze-up, correct. Yes, it was. It
 12 was left in the trouble mode before the
 13 freeze-up.
 14 Q. And approximately how far before the freeze-up
 15 was that?
 16 A. He said he had called them, I think, two days --
 17 two days before that or a day before that or
 18 something.
 19 Q. So a day or two before the freeze-up, this
 20 maintenance guy said that he had to call somebody
 21 because the control panel had been left in
 22 the trouble mode?
 23 A. It was an alarm. He said it was an alarm. He
 24 didn't know what it was. They came down. They

1 looked at it. They tinkered with it for a little
 2 while. They said they had to go, left the light
 3 on. The alarms were off, and they ended up
 4 going.
 5 Q. So then he had to call somebody to come in and
 6 turn those alarms off?
 7 A. Correct.
 8 Q. And do you know if he called the control panel
 9 people?
 10 A. I have no idea who he called.
 11 Q. Do you know if he was referring to the -- when he
 12 was saying "they" the alarm servicing maintenance
 13 company?
 14 A. Yeah. The alarm servicing maintenance company
 15 for that -- for the building.
 16 Q. So you understood that he was referring to Fire
 17 Systems, Inc. that had been there a few days
 18 before the --
 19 A. I don't know the name of the company, who -- you
 20 know, who did that, you know.
 21 Q. But you understood that whatever company was
 22 performing the regular maintenance servicing of
 23 the sprinkler alarm system for the Marriott had
 24 been there a couple days before, and when they

1 left, the control panel was in alarm?
 2 A. Correct.
 3 MR. SYKES: Objection to the form.
 4 Q. When did you have that conversation?
 5 A. The day of the freeze-up.
 6 Q. Was anybody with you at the time of that
 7 conversation?
 8 A. No. It was just him and I.
 9 Q. Can you describe the physical appearance of that
 10 fellow?
 11 A. Real skinny, small kind of guy. Black hair.
 12 Probably weighed a hundred pounds. Not very --
 13 small kind of person.
 14 Q. Built like myself. Do you know, had he been an
 15 employee of Marriott when you had been doing the
 16 work there?
 17 A. I don't know. That's -- he was -- yes. He was
 18 an employee because, you know, I -- I met with
 19 him when we were there.
 20 Q. Did he wear a uniform?
 21 A. Yes, he did. He wore a uniform.
 22 Q. Was it a maintenance-type kind of uniform?
 23 A. Your blue -- regular dark blue pants with your
 24 blue shirt.

1 MR. DOWD: Nothing else. Thank you,
 2 Mr. Medeiros.
 3 REEXAMINATION BY MR. LOFTUS:
 4 Q. Hello, again, Mr. Medeiros. Sitting here today,
 5 do you have a recollection of the layout of the
 6 Residence Inn?
 7 A. The layout, as the piping?
 8 Q. Well, of the building shape in general.
 9 A. Yes, I do.
 10 Q. If I were to ask you to make a very nonspecific
 11 diagram of the general shape of the building,
 12 could you do that?
 13 A. Yes.
 14 Q. Could I ask you to do that for me?
 15 A. Sure.
 16 Q. As if you were looking at the building from the
 17 top down.
 18 A. From the top down. It's actually like -- shaped
 19 like this here. Then you have the building. And
 20 then the carriage -- the -- the other portion of
 21 the building is here, the main lobby.
 22 Q. Okay. And the main lobby was only elevated one
 23 floor?
 24 A. One floor, yes.

1 Q. All right. Do you think you could just write in
 2 "main lobby" there in that section?
 3 A. Sure.
 4 Q. In what portion of the building did you find the
 5 freeze-ups?
 6 A. In this portion of the building, this end.
 7 Q. So the line would end at the end of that --
 8 A. Correct.
 9 Q. -- U-shape?
 10 A. Yes.
 11 Q. And about how big of an area did you find ice?
 12 A. In this area here, down this way. You had --
 13 Q. Could you just make a circle over the general
 14 area where you found ice?
 15 A. In this area.
 16 Q. And the freeze-up occurred ahead of it in the
 17 line?
 18 A. Correct.
 19 Q. Okay. And where was the -- if you recall, the
 20 remote test station?
 A. The test station for --
 22 Q. For the dry pipe system.
 23 A. In the main lobby -- the main -- maintenance,
 24 which was right here.

1 Q. On the third floor?
 2 A. Yes.
 3 Q. Okay. Could I just have you draw an arrow to the
 4 circle and just put in "ice"?
 5 A. This here?
 6 Q. Yes.
 7 A. (Witness complied.)
 8 Q. And where was the main drain for the dry pipe
 9 system?
 10 A. The main drain? Right here in this office, the
 11 maintenance office.
 12 Q. So the remote test station and the main drain
 13 were parallel?
 14 A. Correct. Right there. The main drain for the
 15 whole system was down in the system on the first
 16 floor, in this carriage house.
 17 Q. Right. What I'm -- what I'm getting at is
 18 where -- strike that.
 19 Dry pipe systems, the pipes are actually
 20 pitched towards the main drain; correct?
 21 A. Correct.
 22 Q. So where was that main drain that they were
 23 pitched towards?
 24 A. The main drain was in the maintenance department

1 in there.
 2 Q. Okay. And that's also where the remote test
 3 station was?
 4 A. Correct.
 5 Q. You mentioned a number of different-sized
 6 pipes -- or not a number, but
 7 one-and-a-quarter-inch pipes?
 8 A. Uh-huh.
 9 Q. And half-inch pipe for the sprinkler heads?
 10 A. No. The orifice, when the head explodes, the T
 11 is a half-inch.
 12 Q. Okay.
 13 A. That's what it is.
 14 Q. Were there also three-inch lines up in that area
 15 at all?
 16 A. Line piping?
 17 Q. Yes.
 18 A. No. Just mains. It was four-inch mains that fed
 19 each individual --
 20 Q. Okay.
 21 A. You had a four-inch main that came up and spread
 22 out into each building, into each section. It
 23 was all four-inch main, and then you had
 24 inch-and-a-half risers that fed

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 1 inch-and-a-quarter lines.
 2 Q. Okay. Did you find any ice in the four-inch
 3 lines?
 4 A. No, none.
 5 Q. Have you ever met a Richard Papetti (phonetic) of
 6 GAI Engineers?
 7 A. No, I haven't. No.
 8 Q. Did you ever take anyone up into the attic after
 9 or during your repair work to show them where the
 10 ice had occurred?
 11 A. Nope. Except for my foremens. That was it.
 12 Q. Have you spoken with anyone at Fire Suppression
 13 Systems who has told you that they took somebody
 14 else up there?
 15 A. No, sir. No.
 16 Q. Now, it has been your testimony that you deviated
 17 from the original plans in order to put that
 18 remote test station in the maintenance room on
 19 the third floor?
 20 A. Correct.
 21 Q. Now, did you make any notations on the plans
 22 themselves indicating that change?
 23 A. Yes. I showed the -- I showed on the print,
 24 brought them into the shop and said that the

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 1 inspector's test would be there.
 2 Q. Who would you have told that to?
 3 A. I think it was Charlie or Chris Johnson, one or
 4 the other.
 5 Q. Because we've had a few people in here who have
 6 testified that they don't know where this remote
 7 test station is, they've never seen it. Okay?
 8 A. Okay.
 9 Q. All right. With reference to the two apprentices
 10 that you had working with you on the installation
 11 job, what were their duties?
 12 A. Getting pipe, cutting rod.
 13 Q. Did they actually lay dry pipe?
 14 A. As far as installing pipe, yes, they did.
 15 Q. Did they install any pipe on the dry pipe system?
 16 A. Yes, they did.
 17 Q. Did they hang the pipe hangers?
 18 A. Yes, they did.
 19 Q. And how would you characterize their work during
 20 that time period? Would you say they were
 experienced pipe fitters?
 21 A. Well, journeymen. They were journeymen. They
 22 were working their way up to being, you know, a
 23 licensed journeyman. They were all apprentices.

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 1 Q. Were you satisfied with their performance?
 2 A. Yes, I was.
 3 MR. LOFTUS: Okay. Could I just have
 4 this marked?
 5 (Whereupon, Fireman's Fund's Exhibit 2
 6 was marked for identification.)
 7 Q. All right. So on Medeiros Exhibit 2, which is
 8 the drawing that you just did for me -- thank
 9 you -- you've indicated an area where you found
 10 ice in the dry pipe system. And none of that
 11 area was near one of the main pipes, the
 12 four-inch pipes; is that correct?
 13 MS. SEDNEY: Objection.
 14 A. No.
 15 MR. LOFTUS: I don't have anything
 16 further.
 17 MR. SYKES: Can I just see that
 18 diagram there? Thank you, Jocelyn.
 19 REEXAMINATION BY MR. SYKES:
 20 Q. The ice -- excuse me. The ice where you have the
 21 arrow pointing is just in the general area where
 22 you found the various sprinkler heads and the
 23 pipe itself that was --
 24 A. Correct.

1 Q. Or the valve itself that was off?
 2 A. Yes.
 3 Q. Okay. And the "X" you have up here represents, what, the inspector's test valve?
 4 A. No.
 5 Q. What's the "X"?
 6 A. That was the pipe that was broken that we found.
 7 Q. Okay. So the pipe was broken here?
 8 A. Uh-huh.
 9 Q. And this was the general area where the sprinkler heads were, the circle?
 10 A. Yes.
 11 Q. Okay.
 12 A. And the pipe that was frozen.
 13 Q. Okay. It's because you found ice in some other pipe?
 14 A. Correct.
 15 Q. Generally within the circle?
 16 A. In that circle.
 17 Q. On this diagram, can you locate that maintenance room for me?
 18 MR. SYKES: Do you mind if he writes --
 19 MS. SEDNEY: Is that what that other

1 box is?
 2 THE WITNESS: Yes. That's the
 3 maintenance room.
 4 Q. Right here is the maintenance room?
 5 A. Yes, yes.
 6 Q. Where does the main water supply come into the
 7 attic?
 8 A. In that same room.
 9 Q. And how about the configuration of the pipe?
 10 Does it go around and come back to this?
 11 A. Yes. It comes -- goes around, T's off, comes up,
 12 comes over to the main, and then you have all the
 13 line pipe, the risers that come off of that, and
 14 then you have your lines going all the way
 15 down --
 16 Q. Okay.
 17 A. -- that cover the whole rooftop.
 18 Q. Where is the most remote portion of the piping system of the dry system, the remote end of the dry system?
 19 A. Right there at the end of that, inside that
 20 maintenance room.
 21 Q. Okay. Which is in close proximity to where the
 22 water supply enters the attic as well?

1 A. Correct.
 2 Q. So it goes all the way around there and comes back to here?
 3 A. Correct.
 4 Q. And is this side the same as this side here?
 5 A. Exactly. Yes, it is.
 6 Q. Is it two separate systems that come up and around and back to the middle?
 7 A. No, sir. No. One system comes up, T's off.
 8 Q. Okay. Comes up here, T's off this way?
 9 A. Yes.
 10 Q. They both go into here and then what, back to here?
 11 A. It doesn't tie back in. Those -- what it is, it comes in, caps off, and then you have your risers that catches the peak of the roof. And those return lines sometimes go back to the main, but they don't tie back in. Those would be your end lines.
 12 Q. They don't tie back into the main, but they come back to this area?
 13 A. Come back all to that area.
 14 Q. And the end?
 15 A. Yes.

1 Q. And is it -- does it go around and then ends in one whole loop?
 2 A. No.
 3 Q. Or are there two loops?
 4 A. Two loops. It just barely ends. That's it. Comes up, feeds. You have an elbow on each line. You can have -- off of one line, you'll have five or six pieces of pipe, and that would end with an elbow.
 5 Q. I'm a little slow with this, so bear with me. It comes up and it T's off?
 6 A. Correct.
 7 Q. All right. And each end of the T then goes around and then ends back in this general vicinity?
 8 A. No, it does not.
 9 Q. No, it does not? Help me out here.
 10 A. What it is, is there's one main that comes up. It will feed those two. Like the ends there, it will feed that portion of the building. And then you have another main -- another four-inch piece of main that comes up, feeds up, and it branches off to the peaks of the roof.
 11 Q. So are there two mains that come up?

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- 1 A. There's one main that takes care of the whole
2 system.
- 3 Q. I know it's me, but how does one pipe come up, go
4 off in two separate ways, and then come back to
5 the same point and be the most remote?
- 6 A. The ends of the lines.
- 7 Q. Is it possible for you to trace around the system
8 to where it -- where it begins and where it ends
9 in maybe a red pen or something?
- 10 MR. SYKES: Do you mind if we -- I can
11 photocopy it.
- 12 MR. LOFTUS: No.
- 13 Q. You could do that? Show me where the main comes
14 up and where the system ends and how it ends up
15 here being the most remote point and maybe with
16 some arrows along the way.
- 17 A. Sure.
- 18 Q. Show me where it comes up and just maybe put
19 a "1" there or something.
- 20 A. Comes up here, T's off this way, comes down, T's
21 off this way, comes down. Off of here, you have
22 another T which protects that line. Over here,
23 same thing, another piece of four-inch going that
24 way. Then you have another piece of four-inch

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going that way.

Now, off of this four-inch, you have risers that come up for each peak, the differences of the peak. Each line goes down, elbow, line goes down, elbow. Same thing with this here. You have a riser --

7 Q. Now, when you say elbow, that's usually --

8 A. The end of the line.

9 Q. -- the turn pipe; right?

10 A. The end of the line.

11 Q. All right.

12 A. The end. And the same thing here. You have a riser that feeds here, a line here, a line here. Same thing here. You come off of this four-inch, feeds a line that way, feeds a line that way. Okay. So each one feeds a line. That's the end of a line.

This one here, these lines come off of here, off of this four-inch. It comes back to the maintenance department. Okay. This end line here, it comes off of here. That's the end of a line. That's where the inspector test comes down into the maintenance.

24 Q. Okay. That's just like the longest run?

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- 1 A. Correct. The longest run.
- 2 Q. Okay.
- 3 A. And then you have your -- your other lines which protect, you know, your whole corner here.
- 5 Q. Okay. So basically if you measured each one of those, you would find the one where the inspector test valve is located in the end of the longest run?
- 9 A. The longest run.

MR. SYKES: Okay. All right. Does it make some sense to have him sign and date that diagram?

MS. SEDNEY: Go right ahead.

- 14 Q. Would you put your signature on that and just put today's date?
- 16 A. (Witness complied.)
- 17 Q. Mr. Medeiros, there were no low-point valves as part of the original installation of the system?
- 19 MS. SEDNEY: Objection.

- 20 A. Correct.
- Q. Okay. But after the freeze-up in January of '03, you did install a low-point drain; correct?
- 23 A. A low-point drain?
- 24 Q. A low-point drain.

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- 1 A. As in where?
- 2 Q. Well, did you --
- 3 A. No. Nope.
- 4 Q. There were no low-point drains installed?
- 5 A. There was one downstairs in the basement.
- 6 Q. Was that part of the initial inspect -- installation or --
- 8 A. No, it wasn't. Because what had happened is, when we brought that line down, it came up and over. There was a section where you couldn't penetrate because of structure. So what I had to do is come up and over and into the sprinkler room.
- 14 Q. And when did you put that --
- 15 A. That was installed when the system was done.
- 16 Q. Okay. There were no additional low-point valves placed after the loss occurred?
- 18 A. No, sir. No.
- 19 Q. Okay. The only one that is part of this entire system was in the basement -- well, in the first level?
- 22 A. Correct.
- 23 Q. And was it tied into the dry system?
- 24 A. Yes, it was.

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- 1 Q. Are you familiar with the requirements of the
2 filing of a fire protection systems narrative
3 report?
A. No, sir. No.
Q. Okay. Do you know if one was completed for this
project?
A. No, sir, I don't.
Q. You were there several days after this loss
occurred on January 19, 2003, correct, by those
invoices we looked at?
A. Yeah. To fix the pipe.
Q. Okay. January 20, 21. When did you find the ice
in the pipe that you talked about earlier?
A. That day.
Q. The first day you were there?
A. Yes.
Q. Okay. And that was where -- obviously on the
first day you found that valve that was blown off
at the end of the line; correct?
A. The elbow, yes.
Q. Okay. And how did you locate the ice, or how did
you determine there was ice in that?
A. By taking the lines apart.
Q. Did you take other lines apart to check and see

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- if there was ice?
A. Yes, I did.
Q. All in that general vicinity or all over the
attic?
A. All over the attic to check and make sure that
there was no other pipe that was frozen.
MR. SYKES: Okay. That's all I have.
MR. LOFTUS: I'm sorry. I need to
clarify something.

FURTHER EXAMINATION BY MR. LOFTUS:

- Q. You were just speaking with Attorney Sykes
regarding low-point drains. You mentioned there
was only one, and that was put in during the
installation process of the dry pipe system?
A. Uh-huh.
Q. Wasn't there also an additional one installed
right after the loss in the vicinity of where the
pipe burst or the fitting burst?
A. That was a drum drip.
Q. That was a drum drip. And what's the difference
between a drum drip and a low-point --
A. That's just the catch water settlement in the
pipe, condensation through the summertime, heat,
coldness.

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- Q. And does that drain into anything?
A. No, sir. No.
Q. What catches the condensation and water?
A. There's a piece of two-inch pipe with a one-inch
ball valve on the top and the bottom. And that
catches -- we leave one open. It catches all the
water in it. Close the top one so you don't lose
a lot of pressure out of the system. Open up the
bottom one, relieves all the water that's in it.

MR. LOFTUS: Okay. That's all I have.
(DEPOSITION CONCLUDED AT 1:11 p.m.)

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COMMONWEALTH OF MASSACHUSETTS

BE IT KNOWN that I, Jessica L. Bisaillon, Shorthand Reporter and Notary Public, reported stenographically the foregoing deposition pursuant to notice at the time and place stated in the caption hereof; that I was then and there a Notary Public in and for the Commonwealth of Massachusetts; that by virtue thereof I was authorized to administer an oath; that the witness before testifying was duly sworn to tell the truth, the whole truth and nothing but the truth; that the testimony of said witness was reduced to typewriting under my direction; that the foregoing pages contain a full, true and correct transcription of the notes of said deposition.

I FURTHER CERTIFY that I am not of counsel nor attorney for either or any of the parties to said action or otherwise interested in the event thereof, and that I am not related to either or any of the parties to said cause.

IN WITNESS WHEREOF I have hereunto subscribed my name and affixed my seal of office this 19th day of November, 2005.

NOTARY PUBLIC

MY COMMISSION EXPIRES:
March 6, 2009

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